
First Judicial District of Pennsylvania

51CR00048292007

John In

*Trial (Jury) Volume 1
September 09, 2008*



*First Judicial District of Pennsylvania
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[1] IN THE COURT OF COMMON PLEAS
[2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
[3] CRIMINAL TRIAL DIVISION
[4] -----
[5] COMMONWEALTH :
[6] :
[7] vs. : CP-51-CR-0004821-2007
[8] :
[9] JOHN IN :
[10] -----
[11] Room 801, Criminal Justice Center
[12] Philadelphia, Pennsylvania
[13] -----
[14] TUESDAY, SEPTEMBER 9, 2008
[15] -----
[16] BEFORE: THE HONORABLE SANDY L.V. BYRD, J.
[17] -----
[18] JURY SELECTION
[19] -----
[20] APPEARANCES:
[21] LAUREN BARALDI, ESQUIRE
[22] Assistant District Attorney
for the Commonwealth
[23] RICHARD GIULIANI, ESQUIRE
[24] Attorney for the Defendant
[25]

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[1] COMMONWEALTH VS. JOHN IN
[2] consolidated for trial?
[3] MS. BARALDI: No, sir. They are
[4] separate cases.
[5] THE COURT: What cases are you trying
[6] first?
[7] MS. BARALDI: Number 4 on your list ends
[8] with 4829.
[9] THE COURT: Ready, Mr. Giuliani?
[10] MR. GIULIANI: I am, Your Honor.
[11] THE COURT: We'll take up
[12] CP-51-CR-004829-2007 and mark the other cases
[13] defendant on trial, time ruled excludable.
[14] How does your client wish to be tried,
[15] sir?
[16] MR. GIULIANI: Jury, Your Honor.
[17] THE COURT: How long will this case take
[18] to try, counsel?
[19] MS. BARALDI: Your Honor, I believe we
[20] would be finished by Friday.
[21] THE COURT: How many days of testimony
[22] does the Commonwealth have?
[23] MS. BARALDI: I would say at the most
[24] two-and-a-half full days.
[25] THE COURT: Sorry.

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[1] COMMONWEALTH VS. JOHN IN
[2] (The Court was called to Order.)
[3] THE COURT: Commonwealth vs. John In.
[4] Richard Giuliani for John In, numbers 2, 3,
[5] 4. Defendant John In is here.
[6] The Commonwealth is represented by
[7] Ms. Baraldi. Three cases here are number 2,
[8] 3 and 4. Number 2 is CP-51-CR-0004768-2007,
[9] number 3 is CP-51-CR-0004821-2007, and number
[10] 4 is CP-51-CR-0004829-2007.
[11] MS. BARALDI: Yes.
[12] THE COURT: Let's have the defendant
[13] sworn.
[14] THE COURT CRIER: State your name, spell
[15] your last name for us.
[16] THE DEFENDANT: John In, I-N.
[17] ---
[18] . . . JOHN IN, having
[19] been duly sworn, was examined and testified
[20] as follows:
[21] ---
[22] THE COURT: You may be seated.
[23] Is the Commonwealth ready to proceed?
[24] MS. BARALDI: Yes, sir.
[25] THE COURT: Are these matters

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[1] COMMONWEALTH VS. JOHN IN
[2] MS. BARALDI: At the most two-and-a-half
[3] full days.
[4] THE COURT: How many days of testimony
[5] does the defense have?
[6] MR. GIULIANI: I would anticipate there
[7] will not be any defense evidence.
[8] THE COURT: Set aside three days of
[9] testimony, select the jury today. We can
[10] start the testimony tomorrow morning.
[11] MR. GIULIANI: Yes, sir.
[12] THE COURT: Are there any pretrial
[13] motions, Mr. Giuliani?
[14] MR. GIULIANI: There are none, Your
[15] Honor.
[16] THE COURT: What counts are the
[17] Commonwealth moving on? Say the count
[18] number, offense and grading, please.
[19] MS. BARALDI: I apologize, Your Honor.
[20] If I could just grab my file.
[21] (Brief pause.)
[22] MS. BARALDI: Your Honor, it would be
[23] count 2, possession of instrument of crime in
[24] the first degree; count 3, carrying a firearm
[25] on a public street in Philadelphia, felony in

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[2] the first degree.
[3] **THE COURT:** Wait a second, 6108.
[4] **MS. BARALDI:** Yes. Count 4, 6105; Count
[5] 7, 6106; count 9, burglary, felony in the
[6] first degree; count 11, robbery, felony in
[7] the first degree; count 20, robbery, felony
[8] in the first degree; and count 26, robbery,
[9] felony in the first degree; count 29,
[10] criminal conspiracy, felony in the first
[11] degree.
[12] **THE COURT:** How many complainants are
[13] there in the case?
[14] **MS. BARALDI:** Three, sir.
[15] **THE COURT:** Do you have a witness list
[16] and statement of allegations?
[17] **MS. BARALDI:** Yes. I do not have a
[18] statement of allegations, just have typed
[19] allegations.
[20] **THE COURT:** Will you draft a statement
[21] of allegation so I can inform the prospective
[22] jurors what the case is alleging, tell me if
[23] they know any of the people. Give me some
[24] idea where they live, hundred block. Or if
[25] you don't want to do that, what section of

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[2] his attorney and the Assistant District
[3] Attorney. I have been advised that we have a
[4] jury panel available. Shall we commence jury
[5] selection?
[6] **MR. GIULIANI:** Yes.
[7] **THE COURT:** We expect to select a jury
[8] today and take testimony Wednesday, Thursday
[9] and Friday so the case will undoubtedly go
[10] into Monday of next week.
[11] **MS. BARALDI:** Yes. We'll tell the panel
[12] we expect the case to go into Monday,
[13] possibly Tuesday.
[14] **MR. GIULIANI:** At the latest, possibly;
[15] include Friday.
[16] **THE COURT:** Before we commence, have
[17] seven peremptory challenges. I don't know if
[18] either of you selected a jury with me, but I
[19] will address the panel.
[20] If you have any questions you wish to
[21] ask the panel as a whole, please bring them
[22] out. I will consider them. Thereafter, we
[23] will have individual voir dire. I'll bring
[24] the prospective jurors one at a time.
[25] I'll ask questions. When I finish my

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[2] the city, just after the name.
[3] **MS. BARALDI:** Yes, Your Honor.
[4] **THE COURT:** Do you have any witnesses,
[5] Mr. Giuliani?
[6] **MR. GIULIANI:** No, Your Honor.
[7] **THE COURT:** Mr. Giuliani, Count No. 4,
[8] former convict not to carry a firearm. Want
[9] to proceed on that case in your
[10] case-in-chief?
[11] **MR. GIULIANI:** Yes, Your Honor.
[12] **THE COURT:** You do?
[13] **MR. GIULIANI:** Do you want me to? Do I
[14] want you to hear --
[15] **THE COURT:** Want to sever?
[16] **MR. GIULIANI:** Yes.
[17] **THE COURT:** We'll sever out 6105. If
[18] the two of you would write your full names on
[19] a pad so that I can get the spelling correct.
[20] Anything else before we commence jury
[21] selection?
[22] **MR. GIULIANI:** No, Your Honor.
[23] **MS. BARALDI:** No, Your Honor.
[24] (Pause.)
[25] **THE COURT:** John In is with us, as is

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[2] questions, the prospective jurors will be
[3] asked to exit and immediately after he or she
[4] leaves the room, if you have a challenge for
[5] cause, raise it at that time. If you have
[6] additional follow-up questions, I will decide
[7] whether it's appropriate.
[8] (The prospective jurors entered the
[9] courtroom.)
[10] **THE COURT:** Good morning.
[11] **PROSPECTIVE JURORS:** Good morning.
[12] **THE COURT:** Would you please swear in
[13] the panel.
[14] **THE COURT CRIER:** Would the panel please
[15] rise.
[16] (The prospective jury panel was duly
[17] sworn.)
[18] **THE COURT CRIER:** You may be seated.
[19] **THE COURT:** Ladies and gentlemen,
[20] welcome to Courtroom 801. I'm Judge Byrd.
[21] You've been summoned here this morning to
[22] participate as jurors in the trial of a
[23] criminal case.
[24] This is the case of the Commonwealth of
[25] Pennsylvania vs. John In. Now I will tell

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[2] you more about this case in short order, but
[3] there are certain things I must first discuss
[4] with you.
[5] Let's start with something that you
[6] already know, that is, jury service is one of
[7] the most important responsibilities of
[8] citizenship. It has been described by legal
[9] commentators as second only to service in the
[10] military in terms of its importance to the
[11] preservation of our democracy. So ladies and
[12] gentlemen, for that reason no one can be
[13] excused from jury service except for the most
[14] serious, most compelling of reasons.
[15] Those of you selected to serve on this
[16] jury will be fact finders. It is the
[17] responsibility of a juror to decide in a
[18] criminal case what the facts are so you will
[19] be asked to present yourself here with an
[20] open mind, listen to the evidence, and from
[21] that evidence, collectively, that is, the
[22] jury of twelve determine what the facts are.
[23] You must then, on your oath, accept the
[24] law from me, apply that law to the facts as
[25] you determine the facts to be, and thereafter

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[2] A defendant has no obligation to testify
[3] or call witnesses, and if a defendant elects
[4] to exercise his constitutional right of
[5] silence, you may draw no inference of guilt,
[6] no adverse inference from the decision to
[7] exercise a constitutional right. Your task
[8] would be to determine from the evidence you
[9] heard whether or not the Commonwealth proved
[10] guilt beyond a reasonable doubt.
[11] Now, I will be asking some questions of
[12] you during the course of this procedure. I
[13] want you to know that I'm well aware that all
[14] of you have been here since at least 8:15,
[15] that you filled out a questionnaire.
[16] I have that questionnaire so I do not
[17] intend to ask again the questions you also
[18] answered. It will be necessary, however, for
[19] me to ask some additional questions. If I
[20] ask a question that applies to you and you
[21] are not certain whether it applies to you,
[22] bring that to our attention by raising your
[23] hand.
[24] You've been given a number so if you are
[25] responding to a question I've asked, raise

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[2] to render a fair and impartial verdict
[3] consistent with the evidence in the law.
[4] Now there are, ladies and gentlemen,
[5] certain constitutional principles that
[6] undergird our system of criminal law. The
[7] principles I'm about to discuss with you are
[8] in effect in this Commonwealth, in our sister
[9] jurisdiction and in the federal system.
[10] Every trial, every criminal case in these
[11] United States has proceeded with these
[12] principles undergirding the trial.
[13] In the case of a criminal trial, a
[14] defendant is presumed to be innocent and that
[15] presumption remains with the defendant unless
[16] and until the Commonwealth proves his guilt
[17] beyond a reasonable doubt. So a defendant
[18] merely because he has been arrested does not
[19] lose his presumption of innocence.
[20] An arrest is not evidence of guilt. The
[21] evidence in a criminal case unfolds in the
[22] courtroom for the edification of the jury.
[23] Because the defendant is presumed to be
[24] innocent, the Constitution affords every
[25] defendant a right of silence at trial.

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[2] your hand. Make sure that you have, in your
[3] hand, that card. Keep your hand raised until
[4] you hear that number called out. Then you
[5] may lower your card again.
[6] Please, ladies and gentlemen, don't
[7] blurt out any answers. I will be speaking to
[8] each of you individually and you can, at that
[9] time, bring to my attention whatever it is
[10] you wish to have me know.
[11] I want to express to all of you how
[12] important it is to answer questions with
[13] honesty and candor without making an effort
[14] to get out of jury service and without making
[15] a special effort to get onto the jury. If
[16] you continue to answer questions with candor,
[17] we will, from your midst, impanel twelve
[18] jurors and two alternates to hear this case.
[19] The cases, as I said, is the case of the
[20] Commonwealth of Pennsylvania vs. John In. As
[21] you can see, both sides have counsel. The
[22] Commonwealth is represented and the defendant
[23] is represented in this case.
[24] The defendant has been charged with the
[25] **following offenses:** robbery, three counts;

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[2] burglary, criminal conspiracy, possessing an
[3] instrument of crime, and violation of
[4] Sections 6106 and 6108 of the Uniform
[5] Firearms Act.
[6] These charges were lodged against the
[7] defendant as a result of the following
[8] **allegation:** The Commonwealth alleges that on
[9] or about March 7th, year 2007, at or about
[10] 5:15 a.m. the defendant John In and two other
[11] men, Jerry Jean and Deshawn Marrible, entered
[12] the residence of Vatarì Yun, Y-U-N, at 720
[13] Mifflin Street here in Philadelphia, entered
[14] the premises without his permission, without
[15] the permission of the occupant, and therein
[16] robbed three persons, the mentioned Vatarì
[17] Yun, Dena Khem, and Christina Khem.
[18] My first question to you, ladies and
[19] gentlemen, is do any of you know or think you
[20] know something or anything at all about the
[21] allegations that gave rise to the charge
[22] against the defendant? If so, please raise
[23] your hand.
[24] **THE COURT CRIER:** No response, Your
[25] Honor.

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[2] selected to serve on this jury will be, and
[3] bears repeating, fact finders so you will
[4] evaluate the testimony of each witness and
[5] you will use the same standard for each
[6] witness who appears before you.
[7] You may not evaluate one class of
[8] witnesses using one standard and another
[9] class of witnesses using a different
[10] standard. Everyone who comes before you must
[11] have his or her testimony evaluated using the
[12] very same standard.
[13] You cannot remove the burden of deciding
[14] the facts in this case by saying, oh that was
[15] a police officer testifying. I would never
[16] believe a police officer's testimony or that
[17] was a police officer testifying, I would
[18] always believe a police officer's testimony.
[19] When you evaluate the testimony of a
[20] witness, you will evaluate a police officer's
[21] testimony in the same manner you would that
[22] of a truck driver or astronaut or engineer or
[23] insurance salesman. No one comes before you
[24] with a ticket entitling him or her to be
[25] believed or disbelieved for that matter.

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[2] **THE COURT:** Now, ladies and gentlemen, I
[3] commenced by telling you that jurors are the
[4] fact finders in a criminal case. And those
[5] of you selected to serve on this jury will
[6] be, as I pointed out, passing up on the
[7] credibility, that is, the believability, the
[8] accuracy of the testimony, and any other
[9] evidence in the case.
[10] To that end, I must bring to your
[11] attention two questions that are in the
[12] questionnaire and address them before we go
[13] forward. One of the questions asked, "Will
[14] you be more likely to believe the testimony
[15] of a police officer or other law enforcement
[16] agent simply because of his or her job?"
[17] The other asks, "Would you be less
[18] likely to believe the testimony of a police
[19] officer or other law enforcement agent simply
[20] because of his or her job?"
[21] As you, ladies and gentlemen, sit in the
[22] courtroom today, it is clear that the answer
[23] is obvious. A police officer's testimony is
[24] entitled to no greater weight or lesser
[25] weight than any other witness. Those of you

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[2] All of you know that in the trial of a
[3] criminal case, witnesses will be called. And
[4] before I read to you a list of potential
[5] witnesses in this case, let me introduce the
[6] principals in the trial to each of you.
[7] I will introduce the Assistant District
[8] Attorney, the defense attorney, and the
[9] defendant in turn and ask each to stand and
[10] position himself or herself so that you see
[11] them because I'll ask if you know any of
[12] these people.
[13] Now, in this case, the Commonwealth of
[14] Pennsylvania vs. John In, the Commonwealth is
[15] represented by a member of the District
[16] Attorney's Office. Her name is Lauren
[17] Baraldi, Esquire. Would you stand, ma'am,
[18] and remain standing.
[19] The defendant in this case is
[20] represented by a member of the defense bar.
[21] His name is Richard Giuliani, Esquire. He is
[22] representing the defendant, John In. Would
[23] you stand next to your attorney.
[24] The next question I have is, Do any of
[25] you know or have you had any association with

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[2] or are you related by blood or marriage to
[3] either the Defendant John In?
[4] **PROSPECTIVE JUROR 17:** I'm bond. I'm
[5] not blood, sir. The question I'm asking the
[6] Judge --
[7] **THE COURT:** Would you step outside, sir.
[8] **PROSPECTIVE JUROR NO. 17:** I'm not his
[9] blood brother, but I'm bond. I'm going out.
[10] He's my brother by bond. I don't know you
[11] too. Bond.
[12] **THE COURT:** Prospective Juror No. 17,
[13] you will disregard his comments. You will
[14] disregard entirely the remarks he made. They
[15] have no relevance to this serious business
[16] before you and this Court.
[17] Now, before I was interrupted, I had
[18] this question for all of you. Do any of you
[19] know or have you had any association with or
[20] are you related by blood or marriage to
[21] either the defendant John In, his attorney
[22] Richard Giuliani, the Assistant District
[23] Attorney Lauren Baraldi, or me. I'm Judge
[24] Byrd. If so, please raise your hand.
[25] **THE COURT CRIER:** No response.

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[2] these testifying and still others may be in
[3] and out about the courtroom during the course
[4] of the trial.
[5] Listen carefully to the names from this
[6] list. Let us know if you know any of these
[7] persons by raising your hand.
[8] The witness list includes the mentioned
[9] residence of the address, then known as 720
[10] Mifflin Street; Vatori Yun, Y-U-N; Christina
[11] Khem, K-H-E-M; Dena Khem, K-H-E-M; Angela
[12] Khem, K-H-E-M; Keith K-H-E-M, all from South
[13] Philadelphia; one Deshawn Marable from the
[14] 1700 block of North Underwood Street;
[15] Jacqueline Jean and one Jerry Jean from the
[16] 300 block of Clarkson Avenue.
[17] In addition, the following police
[18] officers, Police Officer Thomas Nolan from
[19] the 4th Police District; Police Officer Kevin
[20] Cannon from the 4th Police District; Police
[21] Officer Raphael McGough, Fourth Police
[22] District, probably mispronounced that,
[23] spelled M-C-G-O-U-G-H, Police Officer Peter
[24] Seabron from the 3rd Police District; Police
[25] Officer Roger Birch from the 3rd Police

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[2] **THE COURT:** You may all be seated.
[3] Ladies and gentlemen, look around the
[4] courtroom. You see that we have a full
[5] staff. We have a court crier and a court
[6] officer whom you already met, a court
[7] reporter who is taking down a transcript of
[8] these proceedings; a court clerk, who is
[9] keeping a record; a deputy sheriff.
[10] My question is the same as before. Do
[11] any of you know or have you had any
[12] association with or are you related by blood
[13] or marriage to any of the persons who make up
[14] the court staff? If so, please raise your
[15] hand.
[16] **THE COURT CRIER:** No response, Your
[17] Honor.
[18] **THE COURT:** I advise you, ladies and
[19] gentlemen, that in this trial criminal case
[20] witnesses are called and I will be reading to
[21] you from a list of potential witnesses. I
[22] use that phrase "potential witness"
[23] advisedly. Although some of these
[24] individuals will undoubtedly testify in this
[25] case, others will simply be mentioned, which

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[2] District, Police Officer Carol Jenkins from
[3] the 4th Police District, Police Officer Kevin
[4] Baldwin from the 4th Police District, Police
[5] Officer Felicia Battle; from the 4th Police
[6] District, Police Officer Robert Robinson from
[7] the 4th Police District; Sergeant Steven
[8] Woods from the 4th Police District; Sergeant
[9] Steven Spansky from the 25th Police District,
[10] and one additional officer from the 4th
[11] Police District, Police Officer Thomas Foley
[12] and Police Lieutenant Michael Deal from the
[13] 17th Police District.
[14] The following officers from the crime
[15] scene unit, Police Officer Avon Wilson and
[16] Police Officer Simon Rory; Sergeant Wilfredo
[17] Aponte. From the Firearms Identification
[18] Unit, Police Officer Leonard Johnson; two
[19] lieutenants, both from the Internal Affairs
[20] Unit, Lieutenant Steven Nolan and Police
[21] Officer John Pendergast, P-E-N-D-E-R-G-A-S-T;
[22] the following, Detective Robert Conn from the
[23] Northeast Detectives Division, and Detective
[24] John Hopkins from South Detectives Division;
[25] one civilian employee of the police

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[2] department in the DNA laboratory, Benjamin
[3] Levlavin, L-E-V-L-A-V-I-N.
[4] Do any of you have any association with
[5] or related by blood or marriage to any of the
[6] witnesses from the list of potential
[7] witnesses? If so, please raise your hand.
[8] **THE COURT CRIER:** No response, Your
[9] Honor.
[10] **THE COURT:** Ladies and gentlemen, I
[11] discussed with you those constitutional
[12] principles which undergird our system of
[13] criminal law. Nevertheless, let me ask you
[14] the following questions. Does anyone here
[15] have a fixed opinion about the guilt or
[16] innocence of this defendant to any of the
[17] charges lodged against him? If so, please
[18] raise your hand.
[19] **THE COURT CRIER:** No response, Your
[20] Honor.
[21] **THE COURT:** Do any of you know of any
[22] reason why, if you were selected to serve on
[23] this jury, you would not be able to give both
[24] sides, the defendant and the Commonwealth, a
[25] fair and impartial trial? If so, please

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[1] COMMONWEALTH VS. JOHN IN
[2] I can tell you that this is not a death
[3] penalty case nor will the jury be
[4] sequestered. You will discover we work
[5] business hours here much like you work in
[6] your everyday business of employment. It is
[7] our intention to go get underway each morning
[8] at 9:30, work each morning taking breaks as
[9] you members of the jury require breaks.
[10] We have an hour for lunch. We come back
[11] in the afternoon. We work until 4:30. The
[12] hours are not onerous. If it appears we're
[13] falling behind we will make every effort to
[14] start at 9:00 to go into 5 p.m. Bearing in
[15] mind everything I just said, is there anyone
[16] for whom service would be a real true serious
[17] hardship? Not an inconvenience but a
[18] hardship. If you have a hardship, raise your
[19] hand.
[20] **THE COURT CRIER:** Your Honor, number 2,
[21] 7, 3, 18, 14, 21, 24, 26, 27, 30, 32, 34, 40,
[22] 41, 42, 43, 44, 45.
[23] **THE COURT:** Mr. Giuliani, Ms. Baraldi,
[24] did either of you have any additional
[25] questions you wish me to put to the panel as

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[2] raise your hand.
[3] **THE COURT CRIER:** No response, Your
[4] Honor.
[5] **THE COURT:** Now ladies and gentlemen, we
[6] expect to select our jury today and we will
[7] commence testimony in the case tomorrow. We
[8] expect that the testimony will last
[9] approximately three days. We will take
[10] testimony Wednesday, Thursday and perhaps
[11] into Friday.
[12] Thereafter, we will hear the attorneys
[13] make their closing arguments and the case
[14] will be submitted to the jury for
[15] deliberations and a verdict. The case will
[16] undoubtedly go through and into Friday and
[17] perhaps Monday of next week.
[18] That's our best estimate based on our
[19] collective experience with matters of this
[20] sort. We sometimes overestimate the length
[21] of time a case will take to try. We
[22] sometimes underestimate the length of time a
[23] case will take to try. This is our best
[24] estimate and we believe we got it just about
[25] right.

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[2] a whole?
[3] **MR. GIULIANI:** No, Your Honor.
[4] **MS. BARALDI:** No, Your Honor.
[5] **THE COURT:** Thank you. If you ladies
[6] and gentlemen will be so kind to follow
[7] Mr. Dafino's instructions, we will be with
[8] you.
[9] (Pause.)
[10] **THE COURT CRIER:** State your name for
[11] us.
[12] **PROSPECTIVE JUROR:** Gail Andrews.
[13] - - -
[14] . . . GAIL ANDREWS, having
[15] been duly sworn, was examined and testified
[16] as follows:
[17] - - -
[18] **BY THE COURT:**
[19] **Q.** Ms. Andrews, you checked off that there is a
[20] reason or reasons you would not be fair in a criminal
[21] case.
[22] **A.** Yes.
[23] **Q.** What is your reason?
[24] **A.** Back in '88 my nephew was murdered.
[25] **Q.** And you think that would affect your ability

[1] COMMONWEALTH VS. JOHN IN
[2] to believe a fair juror in this case?
[3] **A.** Yes.
[4] **THE COURT:** Do either of you wish to
[5] follow up?
[6] **MS. BARALDI:** No, sir.
[7] **MR. GIULIANI:** No, Your Honor.
[8] **THE COURT:** Wait on the other side of
[9] the door. We'll be right with you.
[10] (The prospective juror departed the
[11] courtroom.)
[12] **MS. BARALDI:** Your Honor, Commonwealth
[13] has a motion to strike this juror for cause.
[14] **THE COURT:** Motion for cause granted.
[15] Next.
[16] **THE COURT CRIER:** State your name for
[17] us.
[18] **PROSPECTIVE JUROR:** Robert Starsinic.
[19] ---
[20] . . . ROBERT STARSINIC, having
[21] been duly sworn, was examined and testified
[22] as follows:
[23] ---
[24] **BY THE COURT:**
[25] **Q.** Tell us what you do for a living please.

[1] COMMONWEALTH VS. JOHN IN
[2] would you hold it against him?
[3] **A.** I probably would.
[4] **Q.** You probably would not?
[5] **A.** Would.
[6] **Q.** You probably would.
[7] **THE COURT:** You wish to follow up?
[8] **MS. BARALDI:** No, Your Honor.
[9] **MR. GIULIANI:** No, Your Honor.
[10] **THE COURT:** Wait on the other side of
[11] that door, sir. We'll be right with you.
[12] (The prospective juror departed the
[13] courtroom.)
[14] **THE COURT:** Half the panel raised their
[15] hand for hardship.
[16] **MR. GIULIANI:** Motion for cause.
[17] **THE COURT:** Defense cause granted.
[18] **THE COURT CRIER:** Number 3, state your
[19] name for us.
[20] **PROSPECTIVE JUROR:** Barbara Carr.
[21] ---
[22] . . . BARBARA CARR, having
[23] been duly sworn, was examined and testified
[24] as follows:
[25] ---

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** I'm an automotive technician.
[3] **Q.** You've been in that line of work now for how
[4] long?
[5] **A.** My eighth year.
[6] **Q.** Would you have any problem following my
[7] instructions in this case that the defendant is
[8] presumed innocent until proven guilty beyond a
[9] reasonable doubt?
[10] **A.** No.
[11] **Q.** You check "yes" on the form. Why was that?
[12] **A.** Sorry.
[13] **Q.** You checked yes on the form. Why was that?
[14] **A.** I -- maybe by accident.
[15] **Q.** Accident?
[16] **A.** Yes.
[17] **Q.** Would you have any problem accepting my
[18] instructions that a defendant in a criminal case has
[19] the right of silence and if he elects to exercise that
[20] right it cannot be held against him? You can draw no
[21] adverse inference from his decision to exercise a
[22] constitutional right?
[23] **A.** I feel that if someone is being charged,
[24] they should speak up for themselves.
[25] **Q.** And if they invoke their right of silence,

[1] COMMONWEALTH VS. JOHN IN
[2] **BY THE COURT:**
[3] **Q.** You raised your hand that jury service would
[4] be a hardship, ma'am?
[5] **A.** Yes.
[6] **Q.** Did you raise your hand that jury service
[7] would be a hardship?
[8] **A.** Yes.
[9] **Q.** What's the nature of your hardship?
[10] **A.** I have a child that has special needs and he
[11] just started school. He tends to fall behind getting
[12] his homework done. Too late for me.
[13] **Q.** I'm really having difficulty hearing you,
[14] ma'am. Pull up to the mike and tell us, repeat what
[15] you said.
[16] **A.** I said I have a child that tends to fall
[17] behind in school and I -- 4:00, getting home at 4:00 is
[18] a long time to getting his homework done. Last night I
[19] been up a long time with him. About 10:00 he just gets
[20] done his homework.
[21] **Q.** Are you presently taking any medication that
[22] might interfere with or prevent you from serving,
[23] ma'am?
[24] **A.** Yeah, Flexeril.
[25] **Q.** How does it affect you?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Tend to get drowsy a little bit.
[3] **THE COURT:** Would you wait for us on the
[4] other side of that door, ma'am. We'll be
[5] right with you.
[6] (The prospective juror departed the
[7] courtroom.)
[8] **MS. BARALDI:** Commonwealth has a motion
[9] for cause.
[10] **THE COURT:** Cause granted.
[11] May I see the two of you for one quick
[12] second.
[13] (Sidebar discussion off the record.)
[14] **THE COURT CRIER:** Sir, could you state
[15] your name for us.
[16] **PROSPECTIVE JUROR:** Jamal Jackson.
[17] ---
[18] . . . JAMAL JACKSON, having
[19] been duly sworn, was examined and testified
[20] **as follows:**
[21] ---
[22] **BY THE COURT:**
[23] **Q.** Mr. Jackson, how old are you, sir?
[24] **A.** Twenty-eight.
[25] **Q.** Tell us what you do for a living.

[1] COMMONWEALTH VS. JOHN IN
[2] persons to you?
[3] **A.** It was me.
[4] **Q.** What happened to you?
[5] **A.** I was robbed.
[6] **Q.** How long ago was that?
[7] **A.** About three years ago.
[8] **Q.** Was it strong-arm gunpoint?
[9] **A.** Gunpoint.
[10] **Q.** Did you report it?
[11] **A.** Yes.
[12] **Q.** Was anyone arrested?
[13] **A.** No.
[14] **Q.** Is there anything about that incident which
[15] would affect your ability to be a fair juror in this
[16] case?
[17] **A.** No.
[18] **Q.** If you are selected to serve on this jury,
[19] would you give both sides, the defendant and the
[20] Commonwealth, a fair trial?
[21] **A.** Yes.
[22] **THE COURT:** Wait for us on the other
[23] side of that door, sir. We'll be right with
[24] you.
[25] (The prospective juror departed the

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Work at a rental center.
[3] **Q.** What kind of work you do?
[4] **A.** Retail.
[5] **Q.** How long have you been in that line of work?
[6] **A.** Seven months.
[7] **Q.** What kind of work did you do before that?
[8] **A.** I was in school.
[9] **Q.** You were where?
[10] **A.** In school.
[11] **Q.** What were you studying?
[12] **A.** Computer science.
[13] **Q.** Have you ever served on a jury before?
[14] **A.** Yes.
[15] **Q.** How long ago?
[16] **A.** Maybe about three years ago.
[17] **Q.** Civil or criminal case?
[18] **A.** It was criminal.
[19] **Q.** You or someone close to you were a victim of
[20] a crime?
[21] **A.** No.
[22] **Q.** You checked "yes" on the form. Have you or
[23] anyone close to you ever been the victim of a crime?
[24] **A.** Yes.
[25] **Q.** What relationship was that person or those

[1] COMMONWEALTH VS. JOHN IN
[2] courtroom.)
[3] (Sidebar discussion off the record.)
[4] **MR. GIULIANI:** The answer to number 16,
[5] number 16 the final question on --
[6] **THE COURT:** Says "no."
[7] **MR. GIULIANI:** Thank you.
[8] **THE COURT CRIER:** State your name for
[9] us.
[10] **PROSPECTIVE JUROR:** Judy DeLeo.
[11] ---
[12] . . . JUDY DELEO, having
[13] been duly sworn, was examined and testified
[14] **as follows:**
[15] ---
[16] **BY THE COURT:**
[17] **Q.** Ma'am, I see here that you are semi-retired;
[18] is that correct?
[19] **A.** I work four days a week -- Monday, Thursday,
[20] Friday, Saturday.
[21] **Q.** What kind of work do you do?
[22] **A.** Iam Institute. I do skin care.
[23] **Q.** You've been in that line of work for how
[24] long?
[25] **A.** Almost five years.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Do you have any religious or ethical beliefs
[3] that would prevent you from sitting in judgment in this
[4] case and rendering a fair verdict?
[5] **A.** I don't think so.
[6] **Q.** When you say you don't think so, is that a
[7] figure of speech or do you have some doubt about your
[8] ability to be fair?
[9] **A.** No. You stated that there is no death
[10] penalty. That's my only real -- other than that, no.
[11] **Q.** A defendant in a criminal case has the
[12] constitutional right of silence at trial. Would you be
[13] able to accept my instructions that your task, if the
[14] defendant is elected to invoke his right of silence, is
[15] to determine from the evidence you heard whether or not
[16] the Commonwealth met its burden and not hold it against
[17] the defendant?
[18] **A.** I would try my hardest. It would be okay.
[19] I'm not hedging. I just feel that people who can't
[20] speak have something to hide. I don't know that that
[21] would necessarily change. I've never had to really
[22] come across that, so I can't honestly answer you yes or
[23] no on that, sir.
[24] **THE COURT:** If you wait on the side of
[25] the door, we'll be right with you.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Civil.
[3] **Q.** You or someone close to you was a victim of
[4] a crime?
[5] **A.** Yes.
[6] **Q.** What's the relationship with that person or
[7] those persons to you?
[8] **A.** My mother.
[9] **Q.** What happened to your mother?
[10] **A.** Homicide case.
[11] **Q.** Sorry to hear that. Was anyone arrested?
[12] **A.** No.
[13] **Q.** If you were selected to serve on the jury,
[14] would you give both sides, the defendant and the
[15] Commonwealth, a fair trial?
[16] **A.** Of course.
[17] **THE COURT:** Would you wait for us on
[18] outside of the exit door, ma'am. We'll be
[19] right with you.
[20] (The prospective juror departed the
[21] courtroom.)
[22] **THE COURT:** That's Juror No. 2.
[23] **THE COURT CRIER:** State your name for
[24] us.
[25] - - -

[1] COMMONWEALTH VS. JOHN IN
[2] **MR. GIULIANI:** I have a motion for
[3] cause.
[4] **THE COURT:** Motion granted.
[5] **THE COURT CRIER:** State your name,
[6] please.
[7] **PROSPECTIVE JUROR:** Brenda Maldonado.
[8] - - -
[9] . . . BRENDA MALDONADO, having
[10] been duly sworn, was examined and testified
[11] **as follows:**
[12] - - -
[13] **BY THE COURT:**
[14] **Q.** Ms. Maldonado, what do you do for a
[15] living?
[16] **A.** I work at custodial services.
[17] **Q.** How long have you been in that line of work?
[18] **A.** Twenty years.
[19] **Q.** You served on a jury before, ma'am?
[20] **A.** Yes.
[21] **Q.** How long ago?
[22] **A.** Quite a few years ago.
[23] **Q.** More than five years?
[24] **A.** Approximately.
[25] **Q.** Civil or criminal case?

[1] COMMONWEALTH VS. JOHN IN
[2] . . . BEVERLY MILES, having
[3] been duly sworn, was examined and testified
[4] **as follows:**
[5] - - -
[6] EXAMINATION
[7] - - -
[8] **BY THE COURT:**
[9] **Q.** Ms. Miles, I see here that you are retired.
[10] **A.** Yes.
[11] **Q.** How long have you been retired, ma'am?
[12] **A.** Seven years.
[13] **Q.** Tell us what you did before retirement?
[14] **A.** I was a patient care assistant at Temple
[15] Hospital.
[16] **Q.** You were in that job for how long?
[17] **A.** Thirty-one years.
[18] **Q.** You or someone close to you was arrested and
[19] charged with a crime.
[20] **A.** My son was arrested, but he was never
[21] charged.
[22] **Q.** What was he arrested for?
[23] **A.** He was with someone that robbed a person.
[24] **Q.** Do you have an opinion as to whether he was
[25] treated fair or unfair?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** I think he was treated fair because they
[3] asked him to testify. They didn't convict him.
[4] **Q.** Did he go to trial?
[5] **A.** No.
[6] **Q.** Is there anything about that incident which
[7] would affect your ability to be a fair juror in this
[8] case?
[9] **A.** No, it's not that. I'm going through some
[10] personal things, not feeling good. Kind of like
[11] winding down, having problems here, and my eyes are
[12] bothering me. Really just don't feel good. That was
[13] the purpose of my saying hardship.
[14] Not -- I'm just not really feeling good. I
[15] do take medication. I have a bad stomach sometimes.
[16] If I'm sitting all day long, start getting sleepy, then
[17] I have to go to the bathroom. Right at this moment, my
[18] mind is not really, I really don't feel like doing it.
[19] **THE COURT:** Would you be so kind to give
[20] us a moment. Wait on the other side of that
[21] exit door to your right. Be right with you.
[22] (The prospective juror departed the
[23] courtroom.)
[24] **THE COURT:** Any objection to her
[25] hardship?

[1] COMMONWEALTH VS. JOHN IN
[2] thoughts on it and it changed my thoughts around of
[3] hearing both sides of the case because --
[4] **Q.** First question says, "Would you be more
[5] likely to believe the testimony of a police officer or
[6] other law enforcement agent just because of his or her
[7] job?" You checked no.
[8] **A.** Yes.
[9] **Q.** The question was, "Would you be less likely
[10] to believe the testimony of a law enforcement agent
[11] because of his or her job?" You checked yes.
[12] **A.** Yes.
[13] **Q.** Why did you check that?
[14] **A.** Because -- repeat that again.
[15] **Q.** Why did you check "yes" to the second of
[16] those two question?
[17] **A.** That's the verdict, right?
[18] **Q.** Sorry.
[19] **A.** That's the one, not the police officer,
[20] right?
[21] **Q.** Would you be less likely to believe the
[22] testimony of a police officer or other law enforcement
[23] officer just because of his or her job? You checked
[24] "yes." Why did you check that?
[25] **A.** Not really the situation. But the job

[1] COMMONWEALTH VS. JOHN IN
[2] **MS. BARALDI:** No, Your Honor.
[3] **MR. GIULIANI:** No objection.
[4] **THE COURT:** We thought since we had so
[5] many people with hardships, perhaps this was
[6] not a fresh panel. Turns out we were wrong
[7] as to hardship. This is just Philadelphia.
[8] Nothing you can do about it.
[9] **THE COURT CRIER:** State your name for
[10] us.
[11] **PROSPECTIVE JUROR:** Nathaniel Goldsmith.
[12] ---
[13] . . . NATHANIEL GOLDSMITH, having
[14] been duly sworn, was examined and testified
[15] as follows:
[16] ---
[17] EXAMINATION
[18] ---
[19] **BY THE COURT:**
[20] **Q.** Mr. Goldsmith, would you be less likely to
[21] believe the testimony of a police officer or other law
[22] enforcement officer just because of his or her job?
[23] **A.** No. When I answered that question though, I
[24] answered it like I was from both sides. I was like I
[25] got to hear the testimony now. Like, I heard your

[1] COMMONWEALTH VS. JOHN IN
[2] though, based on the life experiences with my family
[3] members and everything because I have a few family
[4] members that were convicted of -- twenty years ago.
[5] One got convicted, like two last year, two years ago.
[6] One of them is serving a 10-to-29 and everything, but
[7] basically around that area and everything.
[8] **Q.** Are you telling me that because of your
[9] background and personal experience you'd be less likely
[10] to believe the police officer's testimony simply
[11] because of his or her job?
[12] **A.** Yeah. A little bit in between, sir. I got
[13] to hear the evidence though. If I ain't heard the
[14] evidence, then got to be hard stuff to make me believe.
[15] **Q.** I understand that. The standard proof is
[16] beyond a reasonable doubt. But before we get to this
[17] point, my question is based on what you told us about
[18] your family history, would you be less likely to
[19] believe the testimony of a police officer just because
[20] of his or her job?
[21] **A.** Not because of their job. I got to hear the
[22] evidence though.
[23] **Q.** What section of the city -- don't want your
[24] home address, but what section of the city do you live
[25] in?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** South Philadelphia.
[3] **Q.** Any reason you didn't fill out the form?
[4] **A.** What's that? The Philadelphia,
[5] Pennsylvania.
[6] **Q.** It says, "section of the city, occupation.
[7] number of children."
[8] **A.** I didn't understand that. I don't have any
[9] children.
[10] **Q.** You didn't understand what?
[11] **A.** I didn't understand that area location.
[12] Usually I put Philadelphia, Pennsylvania, though.
[13] **Q.** Didn't understand the words "section of the
[14] city?"
[15] **A.** Yeah. I mean, that's South Philadelphia
[16] though.
[17] **Q.** What do you do for a living? You understand
[18] the work occupation?
[19] **A.** Yes, job.
[20] **Q.** What do you do for a living?
[21] **A.** Philadelphia Airport.
[22] **Q.** What do you do there?
[23] **A.** Adult and global service lab.
[24] **Q.** How long have you worked for them?
[25] **A.** Seven months.

[1] COMMONWEALTH VS. JOHN IN
[2] cousin who was convicted of an armed robbery?
[3] **A.** Yeah, he was.
[4] **Q.** Let's go to the next question then. "Have
[5] you or anyone close to you ever been arrested or
[6] charged with a crime?"
[7] **A.** My cousin.
[8] **Q.** What was he charged with?
[9] **A.** Armed robbery.
[10] **Q.** How long ago was that?
[11] **A.** Like two years ago.
[12] **Q.** Did you attend his trial?
[13] **A.** No.
[14] **Q.** You have an opinion as to whether he was
[15] treated fair or unfair?
[16] **A.** No.
[17] **THE COURT:** All right. Could you give
[18] us a moment, sir? Wait on the other side of
[19] that door.
[20] (Prospective juror departed the
[21] courtroom.)
[22] **MS. BARALDI:** Commonwealth has a motion
[23] for cause.
[24] **THE COURT:** Do you have any objection?
[25] **MR. GIULIANI:** No objection.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** What did you do before that?
[3] **A.** Aviation safeguard.
[4] **Q.** How long were you there?
[5] **A.** Six months.
[6] **Q.** Both at the airport?
[7] **A.** Yes.
[8] **Q.** You or someone close to you, sir, was a
[9] victim of a crime?
[10] **A.** I wasn't. But it wasn't someone close to
[11] me.
[12] **Q.** What relationship is that person to you?
[13] **A.** One of them was my cousin.
[14] **Q.** What happened to your cousin?
[15] **A.** He was -- armed robbery.
[16] **Q.** He was robbed?
[17] **A.** No. My cousin wasn't no victim. You saying
[18] victim or convicted of it? No, somebody was convicted
[19] of a crime. They went to jail, went to court for it,
[20] right?
[21] **Q.** There are two separate questions. The one
[22] says, "Have you or anyone close to you ever been a
[23] victim of a crime?"
[24] **A.** No.
[25] **Q.** You checked "yes." You're referring to your

[1] COMMONWEALTH VS. JOHN IN
[2] **THE COURT:** Jury Panel No. 19, she must
[3] leave by two for childcare problems. Any
[4] objection to calling her out of order?
[5] **MS. BARALDI:** No, Your Honor.
[6] **MR. GIULIANI:** No, Your Honor.
[7] **THE COURT CRIER:** State your name and
[8] spell your last name.
[9] **PROSPECTIVE JUROR:** Courtney
[10] Billingslea, B-I-L-L-I-N-G-S-L-E-A.
[11] **THE COURT CRIER:** Have a seat.
[12] - - -
[13] . . . COURTNEY BILLINGSLEA, having
[14] been duly sworn, was examined and testified
[15] as follows:
[16] - - -
[17] EXAMINATION
[18] - - -
[19] **BY THE COURT:**
[20] **Q.** Ma'am, please correct me if I'm wrong. Did
[21] you raise your hand that jury service would be a
[22] hardship?
[23] **A.** Yes, I did you.
[24] **Q.** What's the nature of your hardship?
[25] **A.** I have an eight-year-old who's in school. I

[1] COMMONWEALTH VS. JOHN IN
[2] usually leave work. I try to pick him up by three.
[3] **Q.** Did you bring to our attention that you have
[4] to leave at two today?
[5] **A.** Yes, I did. The gentleman that bought us up
[6] and ordered us in line.
[7] **THE COURT:** Either one of you have any
[8] questions?
[9] **MS. BARALDI:** No, Your Honor.
[10] **MR. GIULIANI:** No, Your Honor.
[11] **THE COURT:** Wait on the side of that
[12] door. Be right with you.
[13] **MR. GIULIANI:** Motion for cause, Your
[14] Honor.
[15] **THE COURT:** I'll grant it.
[16] Let the record reflect everyone is in
[17] place. You have a motion?
[18] **MR. GIULIANI:** It was Commonwealth. No
[19] objection.
[20] **THE COURT CRIER:** State your name for
[21] us.
[22] **PROSPECTIVE JUROR:** Carmen Serrano.
[23] ---
[24] . . . CARMEN SERRANO, having
[25] been duly sworn, was examined and testified

[1] COMMONWEALTH VS. JOHN IN
[2] Commonwealth, a fair trial?
[3] **A.** Sure.
[4] **THE COURT:** Would you wait on the other
[5] side of that exit door, ma'am. Go to your
[6] right. We'll be right with you.
[7] (The prospective juror departed the
[8] courtroom.)
[9] **MR. GIULIANI:** Your Honor, before we
[10] pass the pad, I note on the sheet it says
[11] occupation of spouse "probation officer
[12] supervisor," but when it was asked, "Has
[13] anyone close to you ever worked as a police
[14] officer in any law enforcement job," no. Is
[15] that something we want to clarify possibly?
[16] **THE COURT:** You want me to follow up?
[17] **MR. GIULIANI:** Yes, Your Honor.
[18] (The prospective juror entered the
[19] courtroom.)
[20] **BY THE COURT:**
[21] **Q.** Ms. Serrano, let me follow up. Tell me one
[22] more time, what did you say you do at community
[23] college?
[24] **A.** I am a counselor at community college
[25] through career counseling, academic plan.

[1] COMMONWEALTH VS. JOHN IN
[2] **as follows:**
[3] ---
[4] EXAMINATION
[5] ---
[6] **BY THE COURT:**
[7] **Q.** Ms. Serrano, tell us what you do for a
[8] living, please.
[9] **A.** Counselor at the Community College of
[10] Philadelphia.
[11] **Q.** How long have you been in that role?
[12] **A.** Thirty-five years.
[13] **Q.** I see here that you serve on a jury before?
[14] **A.** Yes.
[15] **Q.** How long ago?
[16] **A.** Four years ago.
[17] **Q.** Civil or criminal case?
[18] **A.** Civil.
[19] **Q.** You or someone close to you was a victim of
[20] a crime?
[21] **A.** My sister was attacked by a drunk driver.
[22] **Q.** Sorry to hear about that.
[23] **A.** Nineteen years ago.
[24] **Q.** If you were selected to serve on this jury,
[25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Tell us what your spouse does for a living.
[3] **A.** My husband is a probation officer
[4] supervisor.
[5] **Q.** Okay. Now, there is a question, it says,
[6] "Have you or anyone close to you ever worked as a
[7] police officer or in any law enforcement job? This
[8] includes prosecutors, public defenders, defense
[9] lawyers, detectives, security guards or prison guards.
[10] You wrote "no," then a question mark, correct?
[11] **A.** My stepson is a patent attorney.
[12] **Q.** But we're referring to your husband.
[13] **A.** Right.
[14] **Q.** He's in law enforcement.
[15] **A.** Right.
[16] **Q.** Question is, Why did you check "yes" to
[17] that?
[18] **A.** Because I wasn't quite sure what exactly the
[19] question was.
[20] **Q.** Which is why you had a question mark?
[21] **A.** Right.
[22] **Q.** I don't know if the question mark came
[23] through on yours, but came through on mine.
[24] All right. Let me ask this question. Would
[25] the fact that your husband is a probation officer,

[1] COMMONWEALTH VS. JOHN IN
[2] would that in any way affect your ability to be a fair
[3] juror?
[4] **A.** I don't think so.
[5] **Q.** The fact your son or stepson is a patent
[6] attorney, would that affect your ability to be fair?
[7] **A.** Not at all.
[8] **THE COURT:** Thank you, ma'am. Wait on
[9] the other side of the door. We'll be right
[10] with you.
[11] (The prospective juror departed the
[12] courtroom.)
[13] **THE COURT:** Mr. Giuliani, want to make
[14] sure I covered the area you had concerns
[15] about.
[16] **MR. GIULIANI:** I'm satisfied. Thank
[17] you, Your Honor.
[18] **MS. BARALDI:** I don't have any
[19] questions. Thank you. Pass the pad.
[20] **THE COURT:** That's Juror No. 3.
[21] **THE COURT CRIER:** Can you state your
[22] name for us?
[23] **PROSPECTIVE JUROR:** James Robb.
[24] - - -
[25] . . . JAMES ROBB, having

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Criminal.
[3] **Q.** Were you or someone close to you a victim of
[4] a crime? That's a separate question. Okay. Let me
[5] start over again.
[6] The question is a separate question. I'm
[7] referring to Question No. 4. Have you or anyone close
[8] to you ever been a victim of a crime?
[9] **A.** Yes.
[10] **Q.** What relationship is that person or those
[11] persons to you?
[12] **A.** My sister.
[13] **Q.** What happened to your sister?
[14] **A.** My sister was murdered.
[15] **Q.** Sorry to hear that. How long ago was that?
[16] **A.** 1970.
[17] **Q.** Was anyone arrested?
[18] **A.** Yes.
[19] **Q.** Was there someone else?
[20] **A.** Yes, a brother.
[21] **Q.** What happened to your brother?
[22] **A.** He was burglarized.
[23] **Q.** The defendant in this case is charged with
[24] burglary. Can you set that incident aside and judge
[25] this case based simply on the evidence and the law?

[1] COMMONWEALTH VS. JOHN IN
[2] been duly sworn, was examined and testified
[3] **as follows:**
[4] - - -
[5] EXAMINATION
[6] - - -
[7] **BY THE COURT:**
[8] **Q.** Mr. Robb, I see here that you are retired;
[9] is that correct?
[10] **A.** Yes.
[11] **Q.** How long have you been retired, sir?
[12] **A.** Five years.
[13] **Q.** Tell us what you did for a living before
[14] retiring.
[15] **A.** Culture program director, City of
[16] Philadelphia.
[17] **Q.** You were in that job, sir, for how long?
[18] **A.** About 35 years.
[19] **Q.** I also see from your form that you served on
[20] a jury before, correct?
[21] **A.** I was an alternate.
[22] **Q.** How long ago was that?
[23] **A.** Fifteen, eighteen years ago.
[24] **Q.** Do you recall, sir, whether it was a civil
[25] or criminal case?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Well, in addition to that I was burglarized.
[3] **Q.** Okay.
[4] **A.** I don't know. That's a difficult position
[5] to put me in.
[6] **Q.** Why is that?
[7] **A.** I don't like to be burglarized. I might
[8] have a difficult time deciding on a case like that.
[9] **Q.** How long ago were you burglarized?
[10] **A.** About ten years ago.
[11] **Q.** Is there something about that incident which
[12] would affect your ability to set that aside and judge
[13] this case based simply on the evidence and the law?
[14] **A.** I don't know. I just think the trauma of
[15] being burglarized really shook me.
[16] **Q.** Were you home when it happened?
[17] **A.** No, but my house was ransacked.
[18] **THE COURT:** All right, sir. Wait on the
[19] other side of the exit door. We'll be right
[20] with you.
[21] (The prospective juror departed the
[22] courtroom.)
[23] **MR. GIULIANI:** Motion for cause, Your
[24] Honor.
[25] **THE COURT:** Granted.

[1] COMMONWEALTH VS. JOHN IN
[2] **THE COURT CRIER:** Have a seat. State
[3] your name for us.
[4] **PROSPECTIVE JUROR:** Vashada Banks.
[5] ---
[6] . . . VASHADA BANKS, having
[7] been duly sworn, was examined and testified
[8] **as follows:**
[9] ---
[10] EXAMINATION
[11] ---
[12] **BY THE COURT:**
[13] **Q.** Ms. Banks, you checked off on your form that
[14] there is a reason you could not be fair.
[15] **A.** Yes.
[16] **Q.** What are those reasons?
[17] **A.** Well, I witnessed a couple of things I feel
[18] wasn't fair, from the police.
[19] **Q.** Do you think that would affect your ability
[20] to be a fair juror in this case?
[21] **A.** Yes.
[22] **Q.** You have a hardship?
[23] **A.** Yes. My hardship is I'm a headstart teacher
[24] and school for us starts on Monday. We were using this
[25] week to prepare our classroom for children. We start

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Almost four years.
[3] **Q.** Have you or anyone close to you ever been
[4] the victim of a crime?
[5] **A.** Yes.
[6] **Q.** What relationship is that person to you?
[7] **A.** It's a co-worker, for four years.
[8] **Q.** What happened to your co-worker?
[9] **A.** Robbery at gunpoint.
[10] **Q.** How long ago was that?
[11] **A.** A year ago.
[12] **Q.** To the best of your knowledge, was anyone
[13] arrested?
[14] **A.** I know they went to a trial.
[15] **Q.** I told you and your fellow jurors earlier
[16] this morning you may not give greater or lesser weight
[17] to the testimony of a police officer or other law
[18] enforcement agent simply because of his or her job,
[19] that a police officer's testimony is to be evaluated in
[20] the same manner as any other witness. Would you accept
[21] and apply that instruction?
[22] **A.** I would.
[23] **Q.** If you were selected to serve on this jury,
[24] would you give both sides, the defendant and the
[25] Commonwealth, a fair trial?

[1] COMMONWEALTH VS. JOHN IN
[2] on Monday.
[3] **THE COURT:** Would you give us a moment
[4] please. Wait on the other side of that door.
[5] We'll be right with you.
[6] (The prospective juror departed the
[7] courtroom.)
[8] **MS. BARALDI:** The Commonwealth has a
[9] motion.
[10] **THE COURT:** Motion for cause granted.
[11] **THE COURT CRIER:** Have a seat there.
[12] State your name for us.
[13] **PROSPECTIVE JUROR:** Michelle Hallman.
[14] ---
[15] . . . MICHELLE HALLMAN, having
[16] been duly sworn, was examined and testified
[17] **as follows:**
[18] ---
[19] EXAMINATION
[20] ---
[21] **BY THE COURT:**
[22] **Q.** Tell us what you do for a living, please.
[23] **A.** I'm an insurance broker.
[24] **Q.** You've been in that line of work for how
[25] long?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** I would, after hearing you speak this
[3] morning.
[4] **THE COURT:** Thank you. Be so kind as to
[5] wait on the other side of the exit door. Be
[6] right with you.
[7] (The prospective juror departed the
[8] courtroom.)
[9] **THE COURT:** You may pass the pad.
[10] **THE COURT CRIER:** Commonwealth Strike
[11] No. 1.
[12] **THE COURT CRIER:** Have a seat in number
[13] 7. State your name for us.
[14] **PROSPECTIVE JUROR:** Allan Williams.
[15] ---
[16] . . . ALLAN WILLIAMS, having
[17] been duly sworn, was examined and testified
[18] **as follows:**
[19] ---
[20] EXAMINATION
[21] ---
[22] **BY THE COURT:**
[23] **Q.** Sorry, tell us your name again.
[24] **A.** Allan Williams.
[25] **Q.** Mr. Williams, what do you do for a living?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Accountant.
[3] **Q.** How long have you been in that line of work?
[4] **A.** About twelve, fourteen years or so.
[5] **Q.** If you were selected to serve on this jury,
[6] would you give both sides, the defendant and the
[7] Commonwealth, a fair trial?
[8] **A.** Yes.
[9] **THE COURT:** Thank you, sir. Be so kind
[10] to wait on the side of the exit door. We'll
[11] be right with you.
[12] (The prospective juror departed the
[13] courtroom.)
[14] **THE COURT CRIER:** Ma'am, state your name
[15] for us.
[16] **PROSPECTIVE JUROR:** Nadiya Brooks Kelly.
[17] ---
[18] . . . NADIYA BROOKS KELLY, having
[19] been duly sworn, was examined and testified
[20] **as follows:**
[21] ---
[22] EXAMINATION
[23] ---
[24] **BY THE COURT:**
[25] **Q.** Okay. Ma'am, would you please tell us what

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** What did you understand the question to
[3] mean?
[4] **A.** It's like I can make up my own mind, but yet
[5] I still have to see what's in front of, what's the
[6] evidence. That's how I looked at it. The evidence in
[7] my mind. I might think one thing, but the evidence
[8] might show something totally different.
[9] **Q.** Did you raise your hand that jury service
[10] would be a hardship?
[11] **A.** Yes.
[12] **Q.** What's the nature of your hardship?
[13] **A.** I have a disabled kid at home that goes to
[14] school for like four hours and I don't have childcare.
[15] I would have a, wouldn't have a problem doing it. I
[16] need somebody there to get him on the bus and off the
[17] bus.
[18] **Q.** You have three other children?
[19] **A.** Correct. They go to public school.
[20] **THE COURT:** Can you give us a moment,
[21] please? Wait on the other side of the exit
[22] door, we'll be right with you.
[23] **PROSPECTIVE JUROR:** Sure.
[24] (The prospective juror departed the
[25] courtroom.)

[1] COMMONWEALTH VS. JOHN IN
[2] you do for a living.
[3] **A.** I'm a homemaker. I take care of my four
[4] kids. That's pretty much it.
[5] **Q.** Have you ever worked outside of the home?
[6] **A.** I have.
[7] **Q.** How long ago was it that you last worked
[8] outside of the home?
[9] **A.** Probably be a year and a half now.
[10] **Q.** What kind of work did you do then?
[11] **A.** Post office.
[12] **Q.** How long were you there?
[13] **A.** Six months.
[14] **Q.** Six months?
[15] **A.** Yes.
[16] **Q.** Let me just go through some of your
[17] responses on the questionnaire. Would you have any
[18] problem during jury deliberations in a criminal case
[19] discussing the case fully but still making up your own
[20] mind?
[21] **A.** I have trouble understanding that one.
[22] **Q.** Say it again.
[23] **A.** I have problems understanding that question.
[24] **Q.** But you checked "yes," correct?
[25] **A.** Yes.

[1] COMMONWEALTH VS. JOHN IN
[2] **THE COURT:** May I see you at sidebar.
[3] (Sidebar discussion off the record.)
[4] **THE COURT:** All right, counsel. I'll
[5] grant her hardship.
[6] **THE COURT CRIER:** State your name for
[7] us.
[8] **PROSPECTIVE JUROR:** Francis J. Sassa.
[9] ---
[10] . . . FRANCIS J. SASSA, having
[11] been duly sworn, was examined and testified
[12] **as follows:**
[13] ---
[14] EXAMINATION
[15] ---
[16] **BY THE COURT:**
[17] **Q.** Mr. Sassa, it states here that you are
[18] retired, correct?
[19] **A.** That's correct.
[20] **Q.** How long have you been retired?
[21] **A.** Four years.
[22] **Q.** Tell us what you did before retiring.
[23] **A.** Worked as an accountant and general manager
[24] at the Storage Warehouse.
[25] **Q.** How long were you in that last position?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Since 1978.
[3] **Q.** You checked off that you know people in law
[4] enforcement.
[5] **A.** That's correct, sir.
[6] **Q.** What relationship are they to you?
[7] **A.** Personal friends and my cousin.
[8] **Q.** Would the fact you have friends and
[9] relatives in law enforcement, would that affect your
[10] ability to be a fair juror?
[11] **A.** I don't really think so. Except my cousin
[12] in Jersey was a cop for about twenty-five years. When
[13] we had our get-togethers, he would express himself
[14] regarding the authority. He wasn't too happy with the
[15] authority. I don't think it would affect me.
[16] **Q.** Let me ask you this, sir. If you are
[17] selected to serve on the jury, you would be obliged to
[18] decide the case based simply on the evidence and the
[19] law and set aside everything else. Could you do this?
[20] **A.** I think I could.
[21] **Q.** If you are selected to serve on this jury,
[22] would you give both sides, the defendant and the
[23] Commonwealth, a fair trial?
[24] **A.** I would try to, sir. The reason why I say
[25] that because my cousin in 1980 was shot. He was at the

[1] COMMONWEALTH VS. JOHN IN
[2] **THE COURT CRIER:** State your name for
[3] us.
[4] **PROSPECTIVE JUROR:** Valery Galibov.
[5] ---
[6] . . . VALERY GALIBOV, having
[7] been duly sworn, was examined and testified
[8] as follows:
[9] ---
[10] EXAMINATION
[11] ---
[12] **BY THE COURT:**
[13] **Q.** What do you do for a living?
[14] **A.** Computer programmer.
[15] **Q.** How long have you been a computer
[16] programmer?
[17] **A.** Here in this country? Seventeen, eighteen
[18] years.
[19] **Q.** You lived in this country at least 17, 18
[20] years?
[21] **A.** Yeah.
[22] **Q.** You have any religious, moral or ethical
[23] beliefs that would prevent you from sitting in judgment
[24] in this case and rendering a fair verdict?
[25] **A.** I am religious. But given how the trial

[1] COMMONWEALTH VS. JOHN IN
[2] wrong spot at the wrong time. It happened in
[3] Philadelphia across Sears and Roebucks. He was in the
[4] wrong spot, the wrong time, was shot and messed up his
[5] left arm. They went to trial and I think the witness
[6] was dismissed.
[7] **Q.** I understand, sir. But does that have
[8] anything to do with this case?
[9] **A.** But it's simply, I think you said it was a
[10] robbery. I don't know if that would affect me or not.
[11] I just want to be honest with you.
[12] **THE COURT:** Either one of you have any
[13] follow-up questions?
[14] **MS. BARALDI:** No.
[15] **MR. GIULIANI:** No.
[16] **THE COURT:** Would you wait on the other
[17] side of that door.
[18] (The prospective juror departed the
[19] courtroom.)
[20] **MR. GIULIANI:** Motion for cause, Your
[21] Honor.
[22] **THE COURT:** Ms. Baraldi.
[23] **MS. BARALDI:** I don't have any
[24] objection.
[25] **THE COURT:** Motion granted.

[1] COMMONWEALTH VS. JOHN IN
[2] will go.
[3] **Q.** You tell me. When you checked off "yes" to
[4] this question, was it a religious, moral or ethical
[5] belief that caused you to check it?
[6] **A.** It's more religious.
[7] **Q.** What is it, the religious belief?
[8] **A.** The truth is supposed to be right.
[9] **Q.** How would that affect your ability to render
[10] a fair verdict?
[11] **A.** I -- I don't know.
[12] **Q.** Would you have any problem during jury
[13] deliberations in a criminal case discussing the case
[14] fully with your fellow jurors and still making up your
[15] own mind?
[16] **A.** Sorry.
[17] **Q.** Would you have any problem in a criminal
[18] case discussing the evidence with your fellow jurors
[19] but still making up your own mind?
[20] **A.** Problem on the lack of English.
[21] **Q.** Say it again.
[22] **A.** Lack of English. Sometimes I might not
[23] understand fully what people talking about. That's
[24] all.
[25] **THE COURT:** Would you give me a moment

[1] COMMONWEALTH VS. JOHN IN
[2] please and wait on the other side of the exit
[3] door to your right. We'll be right with you.
[4] **PROSPECTIVE JUROR:** Yes.
[5] (The prospective juror departed the
[6] courtroom.)
[7] **THE COURT:** Either one of you have any
[8] follow-up questions?
[9] **MS. BARALDI:** I have a motion for cause.
[10] **THE COURT:** Motion granted.
[11] **THE COURT CRIER:** Number 17, Your Honor.
[12] **THE COURT:** Mr. Dafino has just called
[13] number 17. The record should reflect Mr. 17
[14] had an outburst during my general
[15] instructions to the panel. He was dismissed.
[16] It is the Court's belief that he has
[17] some kind of mental, serious mental disorder.
[18] Anybody have any objection to his dismissal?
[19] **MR. GIULIANI:** No, Your Honor.
[20] **MS. BARALDI:** No, Your Honor.
[21] **THE COURT CRIER:** State your name for
[22] us.
[23] **PROSPECTIVE JUROR:** Patricia Davis.
[24] - - -
[25] . . . PATRICIA DAVIS, having

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** No.
[3] **Q.** You checked "yes" on the form. Was that a
[4] mistake?
[5] **A.** Well, I don't know if you could call it a --
[6] we made a decision about a jury once about two years
[7] ago. It was just a day jury.
[8] **Q.** Say that one more time.
[9] **A.** They had to decide. I don't know what it
[10] was about, but we made a decision about something. It
[11] was like a full day jury there. There all day long.
[12] The judge kept us as a jury. He dismissed us after the
[13] decision came through.
[14] **Q.** Who made the decision?
[15] **A.** I guess we did. Whatever reason there was I
[16] don't know. Probably a mistake.
[17] **Q.** You were or were not --
[18] **A.** For a day. It was just for a day.
[19] **Q.** For a day?
[20] **A.** It was just for a day.
[21] **Q.** Was it a civil or criminal case?
[22] **A.** Civil.
[23] **Q.** Have you or anyone close to you been a
[24] victim of a crime?
[25] **A.** No, I haven't.

[1] COMMONWEALTH VS. JOHN IN
[2] been duly sworn, was examined and testified
[3] **as follows:**
[4] - - -
[5] EXAMINATION
[6] - - -
[7] **BY THE COURT:**
[8] **Q.** Ms. Davis, tell us what you do for a living
[9] please.
[10] **A.** I'm a homekeeper right now.
[11] **Q.** Now, let me see if I understand you. Do you
[12] keep house for someone or referring to keeping your own
[13] house?
[14] **A.** Own home, house.
[15] **Q.** Full-time housewife?
[16] **A.** Yes.
[17] **Q.** You wrote "/student."
[18] **A.** Yes. Excuse me?
[19] **Q.** You wrote --
[20] **A.** Just a little upgrade. I was a CNA, just
[21] something to keep me busy.
[22] **Q.** You wrote homekeeper/student. What are you
[23] studying?
[24] **A.** Just refreshment course, math.
[25] **Q.** Have you ever served on a jury before?

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Sorry.
[3] **A.** I haven't, no.
[4] **Q.** You checked "yes" to that on the form.
[5] **A.** Someone close to me but not I.
[6] **Q.** What's your relationship to that person?
[7] **A.** My brother.
[8] **Q.** What happened to your brother?
[9] **A.** He was robbed and beat up.
[10] **Q.** How long ago was that?
[11] **A.** Been about five years.
[12] **Q.** Did he report it?
[13] **A.** Yes.
[14] **Q.** Was anyone arrested?
[15] **A.** No.
[16] **Q.** Is there anything about that incident that
[17] would affect your ability to be a fair juror in this
[18] case?
[19] **A.** No.
[20] **Q.** You checked off that you or someone close to
[21] you was arrested or charged with a crime?
[22] **A.** That was a mistake. Someone I know, but
[23] they're not close to me.
[24] **Q.** Someone you know?
[25] **A.** Someone I know, a neighbor of mine.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** What was your neighbor charged with?
[3] **A.** Robbery, assault.
[4] **Q.** How long ago was that?
[5] **A.** That's been about ten years because he's
[6] still in jail for the charges right now.
[7] **Q.** Did you attend the trial?
[8] **A.** No.
[9] **Q.** Do you have an opinion to whether your
[10] neighbor was treated fair or unfair?
[11] **A.** Not knowing the circumstances I believe he
[12] was treated fair.
[13] **Q.** Knowing him as the person you know him as.
[14] When you checked off that you or someone close to you
[15] was a victim of a crime, is that someone we already
[16] discussed?
[17] **A.** No.
[18] **Q.** Tell us who the person was.
[19] **A.** It was a neighbor of mine who I used to go
[20] to work with, caught the bus to work. I came out and
[21] the police were all surrounding somebody. Someone had
[22] beat her, hit her in the back of the head and left her
[23] for dead.
[24] **Q.** Sorry to hear that. Is there anything about
[25] that incident which would affect your ability to be a

[1] COMMONWEALTH VS. JOHN IN
[2] Commonwealth, a fair trial?
[3] **A.** Yes.
[4] **THE COURT:** If you would wait for us on
[5] the other side of the exit door for a moment,
[6] Ms. Davis, we'll be right with you.
[7] **PROSPECTIVE JUROR:** Sure.
[8] (The prospective juror departed the
[9] courtroom.)
[10] **THE COURT:** Counsel, do either of you
[11] have any follow-up question?
[12] **MS. BARALDI:** No, Your Honor.
[13] **MR. GIULIANI:** No, Your Honor.
[14] **THE COURT CRIER:** State your name for
[15] us.
[16] **PROSPECTIVE JUROR:** Marianne Leonetti
[17] Merkle.
[18] ---
[19] . . . MARIANNE LEONETTI MERKLE, having
[20] been duly sworn, was examined and testified
[21] as follows:
[22] ---
[23] EXAMINATION
[24] ---
[25] **BY THE COURT:**

[1] COMMONWEALTH VS. JOHN IN
[2] fair juror?
[3] **A.** No.
[4] **Q.** You know people in law enforcement?
[5] **A.** Yes.
[6] **Q.** What relationship are they to you?
[7] **A.** My mother's godson.
[8] **Q.** What does he do?
[9] **A.** He's a prison guard.
[10] **Q.** Would the fact that you know someone in law
[11] enforcement, would that affect your ability to be a
[12] fair juror?
[13] **A.** No.
[14] **Q.** One of the instructions I gave you and your
[15] fellow jurors earlier this morning was that you can
[16] give no greater or lesser weight to the testimony of a
[17] police officer or other law enforcement agent simply
[18] because of his or her job. A police officer's
[19] testimony is to be evaluated in the same way as any
[20] other witnesses. Would you accept and apply that
[21] instruction?
[22] **A.** Yes, I did mark that wrong because I
[23] understood it better after you explained.
[24] **Q.** If you were selected to serve on this jury,
[25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Ms. Leonetti Merkle, what you do for a
[3] living?
[4] **A.** Nurse.
[5] **Q.** That's an RN?
[6] **A.** Yes.
[7] **Q.** Do you work at either a hospital, doctor's
[8] office or some other setting?
[9] **A.** Home care.
[10] **Q.** You've been a nurse now for how long?
[11] **A.** Twenty-one years.
[12] **Q.** How long ago was it, ma'am, that you served
[13] on a jury?
[14] **A.** About three years.
[15] **Q.** Civil or criminal case?
[16] **A.** Civil.
[17] **Q.** If you were selected to serve on this jury,
[18] would you give both sides, the defendant and the
[19] Commonwealth, a fair trial?
[20] **A.** Yes.
[21] **THE COURT:** Would you be so kind to wait
[22] on the other side of the exit door. We'll be
[23] right with you.
[24] (The prospective juror departed the
[25] courtroom.)

[1] COMMONWEALTH VS. JOHN IN
[2] **THE COURT CRIER:** State your name for
[3] us.
[4] **PROSPECTIVE JUROR:** One moment, please.
[5] **THE COURT CRIER:** Sure, take your time.
[6] **PROSPECTIVE JUROR:** Dannette Delange.
[7] ---
[8] . . . DANNETTE DELANGE, having
[9] been duly sworn, was examined and testified
[10] as follows:
[11] ---
[12] EXAMINATION
[13] ---
[14] **BY THE COURT:**
[15] **Q.** Tell us what you do for a living, please.
[16] **A.** I'm currently on welfare. I don't have a
[17] job right now so.
[18] **Q.** How long ago was it that you last worked?
[19] **A.** June.
[20] **Q.** June of '08?
[21] **A.** Yes.
[22] **Q.** What kind of work were you doing then?
[23] **A.** Receptionist, sales. Worked for a legal
[24] supply company.
[25] **Q.** How long were you in that job?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** He didn't make a trial, but I was in the
[3] courtroom.
[4] **Q.** Did you have an opinion to whether he was
[5] treated fair or unfair?
[6] **A.** He was treated fair.
[7] **Q.** When you checked off that you or someone
[8] close to you was an eyewitness to a crime, is that
[9] something we already discussed or something else?
[10] **A.** No, that's something different.
[11] **Q.** You were a witness?
[12] **A.** Yes.
[13] **Q.** Tell us what you saw.
[14] **A.** I don't know if you remember the Aramingo
[15] Diner shooting. I was working. Some guy came in.
[16] They had an argument. The two of them had an argument.
[17] A guy pulled out a gun and killed him.
[18] **Q.** You witnessed that?
[19] **A.** Yes.
[20] **Q.** If you were selected to serve on this jury,
[21] could you set that incident aside and decide the case
[22] based simply on the evidence and the law?
[23] **A.** Yes.
[24] **Q.** Pardon me, I suppose I should have asked
[25] that before. Are you presently taking any medication

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Four years.
[3] **Q.** Please don't tell me your home address or
[4] even the street that you live on, but in what section
[5] of the city do you live?
[6] **A.** Port Richmond.
[7] **Q.** Going to ask you the next two questions
[8] because I'm not sure whether you checked yes or no.
[9] Have you or anyone close to you ever been a victim of a
[10] crime?
[11] **A.** No. That was my brother, but he won't --
[12] that's why I put it first. It was yes then I put no.
[13] **Q.** Your brother was a victim of a crime?
[14] **A.** He wasn't. I wrote it over. He wasn't.
[15] **Q.** Has anyone close to you ever been arrested
[16] or charged with a crime?
[17] **A.** My brother was.
[18] **Q.** The answer is yes?
[19] **A.** Yes.
[20] **Q.** What was your brother charged with?
[21] **A.** Robbery.
[22] **Q.** How long ago was that?
[23] **A.** He's on parole now. He just got out a year
[24] ago.
[25] **Q.** Did you attend his trial?

[1] COMMONWEALTH VS. JOHN IN
[2] that might interfere with or prevent you from serving
[3] as a juror?
[4] **A.** I'm taking a lot of medication actually. I
[5] get sleepy through the day. Like, just back there I
[6] was sleeping. But I'm taking 100 mm. of Seroquel, of
[7] Restoril 30 mm. -- Restoril and Clozapin.
[8] **Q.** It makes you drowsy?
[9] **A.** Yeah, makes me tired.
[10] **THE COURT:** Can you give us a moment.
[11] Wait on the other side of the door. We'll be
[12] with you momentarily.
[13] **PROSPECTIVE JUROR:** Sure.
[14] (The prospective juror departed the
[15] courtroom.)
[16] **MR. GIULIANI:** Motion for cause.
[17] **THE COURT:** Motion granted.
[18] **THE COURT CRIER:** State your name for
[19] us.
[20] **PROSPECTIVE JUROR:** Ansil Boyce.
[21] ---
[22] . . . ANSIL BOYCE, having
[23] been duly sworn, was examined and testified
[24] as follows:
[25] ---

[1] COMMONWEALTH VS. JOHN IN
[2] EXAMINATION
[3] - - -
[4] **BY THE COURT:**
[5] **Q.** Mr. Boyce, do you have any religious, moral
[6] or ethical beliefs that would prevent you from sitting
[7] in judgment in a criminal case rendering a fair
[8] verdict?
[9] **A.** Yes, I do.
[10] **Q.** Is your belief religious, moral, ethical?
[11] **A.** Moral.
[12] **Q.** What is the nature of the belief?
[13] **A.** I do not believe in the death probation.
[14] **Q.** This is not a death penalty case. Would you
[15] be able to serve on this jury?
[16] **A.** No, I cannot, due to medical appointments
[17] that I have.
[18] **Q.** Would you tell us about it.
[19] **A.** Yes. I have two procedures I have to do --
[20] one is a blood, I have to take my blood to do some
[21] bloodwork; the next one is for my prostate.
[22] **Q.** That's when?
[23] **A.** One is on Thursday, the next one is on
[24] Monday.
[25] **THE COURT:** Would you give us a moment.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes.
[3] **Q.** Would you tell us what your reasons are.
[4] **A.** It's -- if it was a homicide case.
[5] **Q.** It's not a homicide case.
[6] **A.** That's the reason I checked it off.
[7] **Q.** Would you have any problem following the
[8] Judge's instruction that the defendant in a criminal
[9] case is presumed to be innocent until proven guilty
[10] beyond a reasonable doubt?
[11] **A.** No.
[12] **Q.** You checked "yes" on the form.
[13] **A.** I meant to check "no."
[14] **Q.** Tell us what you do for a living.
[15] **A.** Quality analyst.
[16] **Q.** And how long have you been in that job?
[17] **A.** Three years.
[18] **Q.** Have you ever served on a jury before?
[19] **A.** Yes.
[20] **Q.** How long ago?
[21] **A.** Seven years.
[22] **Q.** Was that a civil or criminal case?
[23] **A.** Criminal.
[24] **Q.** You or someone close to you, ma'am, was a
[25] victim of a crime?

[1] COMMONWEALTH VS. JOHN IN
[2] Wait on the other side of the exit door.
[3] We'll be right with you.
[4] (The prospective juror departed the
[5] courtroom.)
[6] **THE COURT:** Any objection to these
[7] hardships?
[8] **MS. BARALDI:** No, Your Honor.
[9] **MR. GIULIANI:** No, Your Honor.
[10] **THE COURT:** Hardship granted.
[11] **THE COURT CRIER:** State your name for
[12] us, spell your last name.
[13] **PROSPECTIVE JUROR:** Crystal Jones,
[14] J-O-N-E-S.
[15] - - -
[16] . . . CRYSTAL JONES, having
[17] been duly sworn, was examined and testified
[18] **as follows:**
[19] - - -
[20] EXAMINATION
[21] - - -
[22] **BY THE COURT:**
[23] **Q.** Ms. Jones, you check off on the form that
[24] there is a reason or reasons why you could not be a
[25] fair juror?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes.
[3] **Q.** What relationship is that to you?
[4] **A.** My cousin.
[5] **Q.** What happened to your cousin?
[6] **A.** He was murdered.
[7] **Q.** Sorry to hear that. How long ago was it?
[8] **A.** Two years ago.
[9] **Q.** Sorry.
[10] **A.** Two years ago.
[11] **Q.** Was anyone arrested?
[12] **A.** Yes.
[13] **Q.** Is there anything about that case which
[14] would affect your ability to be a fair juror in this
[15] case?
[16] **A.** Honestly I don't know. I really couldn't
[17] say. I don't know.
[18] **Q.** You think it might?
[19] **A.** It might. I don't know.
[20] **Q.** What is it about the cousin's case that
[21] might affect your ability to be fair in this case?
[22] **A.** I can't think of a reason. It would -- I
[23] can't -- I don't know because I haven't, I haven't been
[24] in a courtroom or anything since then.
[25] **THE COURT:** Could you give us a moment,

[1] COMMONWEALTH VS. JOHN IN
[2] ma'am. Wait on the other side of the exit
[3] door. We'll be right with you.
[4] (The prospective juror departed the
[5] courtroom.)
[6] **THE COURT:** Do either of you wish to
[7] follow up?
[8] **MS. BARALDI:** No, Your Honor.
[9] **MR. GIULIANI:** No, Your Honor. Motion
[10] for cause.
[11] **THE COURT:** Granted cause on Ms. Jones.
[12] **THE COURT CRIER:** State your name for
[13] us.
[14] **PROSPECTIVE JUROR:** Michele Higgins.
[15] - - -
[16] . . . MICHELE HIGGINS, having
[17] been duly sworn, was examined and testified
[18] **as follows:**
[19] - - -
[20] EXAMINATION
[21] - - -
[22] **BY THE COURT:**
[23] **Q.** Ms. Higgins, what do you do for a living?
[24] **A.** I work at United Parcel Service as quality
[25] control.

[1] COMMONWEALTH VS. JOHN IN
[2] her job. A police officer is to have his or her
[3] testimony evaluated the same way you would that of any
[4] other witness. Would you accept and follow that
[5] instruction?
[6] **A.** Can you say that again, Judge?
[7] **Q.** Yes. When you and your fellow panel members
[8] came in the morning, you will recall I gave you some
[9] instructions in the law. One instruction was that you
[10] may give no greater or lesser weight to the testimony
[11] of a police officer or any other law enforcement agent
[12] simply because of his or her job. A police officer's
[13] testimony is to be evaluated in the same way that you
[14] would that of any other witness. Would you accept and
[15] follow that instruction?
[16] **A.** Yes.
[17] **Q.** If you were selected to serve on this jury,
[18] would you give both sides, the defendant and the
[19] Commonwealth, a fair trial?
[20] **A.** Yes.
[21] **THE COURT CRIER:** If you would wait for
[22] us on the other side of the exit door, we'll
[23] be right with you.
[24] **PROSPECTIVE JUROR:** Sure.
[25] (The prospective juror departed the

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** How long you been with them?
[3] **A.** Excuse me.
[4] **Q.** How long have you been with them?
[5] **A.** Twenty-three years.
[6] **Q.** Have you or anyone close to you ever been
[7] charged with a crime?
[8] **A.** Judge, my niece had a DUI.
[9] **Q.** How long ago was that?
[10] **A.** I guess about two years ago.
[11] **Q.** Is there anything about that case which
[12] would affect your ability to be a fair juror in this
[13] case?
[14] **A.** No, ma'am.
[15] **Q.** You checked off that you know people in law
[16] enforcement.
[17] **A.** Yes, my father was a police officer.
[18] **Q.** Would the fact that your father worked in
[19] law enforcement, would that in any way affect your
[20] ability to be a fair juror?
[21] **A.** I don't think so, no.
[22] **Q.** One of the instructions I gave you and your
[23] fellow jurors this morning was you may give no greater
[24] or lesser weight to the testimony of a policeman or
[25] other law enforcement agent simply because of his or

[1] COMMONWEALTH VS. JOHN IN
[2] courtroom.)
[3] **MR. GIULIANI:** Defense Strike No. 1.
[4] **THE COURT CRIER:** State your name for
[5] us.
[6] **PROSPECTIVE JUROR:** Margaretta L.
[7] Nicholson.
[8] - - -
[9] . . . MARGARETTA L. NICHOLSON, having
[10] been duly sworn, was examined and testified
[11] **as follows:**
[12] - - -
[13] EXAMINATION
[14] - - -
[15] **BY THE COURT:**
[16] **Q.** Ms. Nicholson, I see here you are retired;
[17] is that correct?
[18] **A.** That's correct.
[19] **Q.** How long have you been retired?
[20] **A.** Since June 29th.
[21] **Q.** What kind of work did you do before
[22] retiring?
[23] **A.** Emergency room nurse.
[24] **Q.** Were you an RN or --
[25] **A.** LPN.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** How long did you work as an LPN?
[3] **A.** About thirty years.
[4] **Q.** Sorry.
[5] **A.** Maybe thirty years.
[6] **Q.** Now, you checked off on your form that there
[7] is a reason or reasons you could not be a fair juror.
[8] What are they?
[9] **A.** Well, the reason is I can't be a juror, not
[10] that I wouldn't be fair. I wouldn't be a juror because
[11] I know part of the world, the world as you have it.
[12] I'm one of the Jehovah's Witnesses. No reason, the
[13] reason because we know part of the world. I can't get
[14] involved in this thing; the world does.
[15] **Q.** Is that why you checked "no"?
[16] **A.** This? Yes.
[17] **Q.** Do you have any religious, moral or ethical
[18] beliefs that would prevent you from serving as a fair
[19] juror?
[20] **A.** Yes.
[21] **THE COURT:** Give us a moment. Wait on
[22] the other side of the exit door. We'll be
[23] right with you.
[24] **PROSPECTIVE JUROR:** Thank you.
[25] (The prospective juror departed the

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** What kind of work did you do before that?
[3] **A.** Loan support coordinator.
[4] **Q.** Say that one more time.
[5] **A.** Loan support coordinator.
[6] **Q.** What kind of agency?
[7] **A.** Agency for Option One.
[8] **Q.** How long did you work at that job?
[9] **A.** For a year.
[10] **Q.** I see here, ma'am, that you served on a jury
[11] before?
[12] **A.** Yes, that was a long time ago.
[13] **Q.** About how long ago?
[14] **A.** I can't even remember.
[15] **Q.** Over five years?
[16] **A.** Maybe so.
[17] **Q.** Over ten years?
[18] **A.** No. Between five and ten, yeah.
[19] **Q.** Do you remember whether it was a civil or
[20] criminal case?
[21] **A.** No.
[22] **Q.** You don't remember?
[23] **A.** No.
[24] **Q.** You or someone close to you, Ms. Swain, was
[25] a victim of a crime?

[1] COMMONWEALTH VS. JOHN IN
[2] courtroom.)
[3] **MS. BARALDI:** Motion for cause, Your
[4] Honor.
[5] **THE COURT:** Granted.
[6] **THE COURT CRIER:** State your name for
[7] us, please.
[8] **PROSPECTIVE JUROR:** Neshaa Swayne.
[9] - - -
[10] . . . NESHA SWAYNE, having
[11] been duly sworn, was examined and testified
[12] as follows:
[13] - - -
[14] EXAMINATION
[15] - - -
[16] **BY THE COURT:**
[17] **Q.** What do you do for a living, please?
[18] **A.** Right now I'm unemployed.
[19] **Q.** How long have you been unemployed?
[20] **A.** For about four months.
[21] **Q.** What kind of work did you do before that?
[22] **A.** I was working at a bridal shop doing order
[23] entries.
[24] **Q.** How long were you there?
[25] **A.** Two months.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes.
[3] **Q.** What relationship is that person or those
[4] persons to you?
[5] **A.** My cousin.
[6] **Q.** What happened to your cousin?
[7] **A.** I think he was committed for, committed the
[8] crime of robbery. He just came home from jail.
[9] **Q.** All right. Let me ask it another way.
[10] There are two questions. One asks, "Have you or anyone
[11] close to you ever been the victim of a crime?" The
[12] other one asks, "Have you or anyone close to you been
[13] arrested or charged with a crime?" I'll take the
[14] second one first. Your cousin was arrested and charged
[15] with robbery; is that right?
[16] **A.** Yes.
[17] **Q.** Did you attend his trial?
[18] **A.** No.
[19] **Q.** You have an opinion as to whether he was
[20] treated fair or unfair?
[21] **A.** He was treated fair.
[22] **Q.** The defendant is on trial for robbery. Is
[23] there anything about your cousin's case which would
[24] affect your ability to be a fair juror in this case?
[25] **A.** No.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Have you or anyone close to you ever been a
[3] victim of a crime?
[4] **A.** No.
[5] **Q.** You checked off that you or someone close to
[6] you was an eyewitness to a crime. Who was the witness?
[7] **A.** It was a friend of mine.
[8] **Q.** What did your friend see?
[9] **A.** He seen someone get shot.
[10] **Q.** Is there anything about what your friend saw
[11] that would affect your ability to be a fair juror?
[12] **A.** No.
[13] **Q.** Would you be less likely to believe the
[14] testimony of a police officer or other law enforcement
[15] agent simply because of his or her job?
[16] **A.** No.
[17] **Q.** You checked "yes" on the form.
[18] **A.** What was the question again?
[19] **Q.** "Would you be less likely to believe the
[20] testimony of a police officer."
[21] **A.** Yeah.
[22] **Q.** You would?
[23] **A.** I feel as though they not no different from
[24] any other witness, no different from any other.
[25] **Q.** Let me put it another way, ma'am. Earlier

[1] COMMONWEALTH VS. JOHN IN
[2] please.
[3] **PROSPECTIVE JUROR:** Kelly Dozier.
[4] - - -
[5] . . . KELLY DOZIER, having
[6] been duly sworn, was examined and testified
[7] **as follows:**
[8] - - -
[9] EXAMINATION
[10] - - -
[11] **BY THE COURT:**
[12] **Q.** Ms. Dozier, tell us what you do for a
[13] living.
[14] **A.** Teller supervisor at PNC bank, full-time.
[15] **Q.** How long have you been in that job?
[16] **A.** Two years. It will be three years in
[17] November.
[18] **Q.** Would you have any problem following the
[19] Court's instruction that the defendant in a criminal
[20] case is presumed to be innocent until proven guilty
[21] beyond a reasonable doubt?
[22] **A.** No.
[23] **Q.** Did you raise your hand that jury service
[24] would be a hardship?
[25] **A.** Yes.

[1] COMMONWEALTH VS. JOHN IN
[2] this morning I gave you and your fellow jurors that
[3] **essentially as follows:** "A police officer's testimony
[4] may be given no greater or lesser weight simply because
[5] of his or her job. A police officer is to have his or
[6] her testimony evaluated using the same standard you
[7] would use to evaluate that of any other witnesses."
[8] **A.** Right.
[9] **Q.** Would you be able to accept and apply that
[10] instruction?
[11] **A.** Yes.
[12] **Q.** If you were selected to serve on this jury,
[13] would you give both sides, the defendant and the
[14] Commonwealth, a fair trial?
[15] **A.** Yes.
[16] **THE COURT:** Wait on the other side of
[17] that exit door to your right. Be right with
[18] you.
[19] (The prospective juror departed the
[20] courtroom.)
[21] **THE COURT:** Any follow-up?
[22] **MS. BARALDI:** No, Your Honor.
[23] **MR. GIULIANI:** No, Your Honor.
[24] **THE COURT:** Pass the pad.
[25] **THE COURT CRIER:** State your name,

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** What's the nature of your hardship?
[3] **A.** We have a new bank so I'm the manager. I'm
[4] supervisor and I open every morning. Right now I don't
[5] have anyone to open the bank at seven-thirty.
[6] **Q.** What would happen if you got sick, ma'am?
[7] **A.** Well, they would have to find someone.
[8] You're right about that.
[9] **Q.** You live in the Northern Liberties section
[10] of our city?
[11] **A.** Yes.
[12] **Q.** How long have you lived in that section of
[13] Philadelphia?
[14] **A.** Two years.
[15] **Q.** Would you be less likely to believe the
[16] testimony of a police officer or other law enforcement
[17] agent simply because of his or her job?
[18] **A.** I put yes and no because I believe that
[19] there are some police officers that don't tell the
[20] truth.
[21] **Q.** Did you hear my instructions earlier this
[22] morning on that issue?
[23] **A.** What was it? Recap.
[24] **Q.** A police officer's testimony is not to be
[25] given any lesser weight or greater weight merely

[1] COMMONWEALTH VS. JOHN IN
[2] because of his or her job. His or her testimony is to
[3] be evaluated in the same way as you would that of any
[4] other witness. Would you be able to accept and follow
[5] that instruction?
[6] **A.** Yes.
[7] **Q.** Any doubt in your mind?
[8] **A.** No.
[9] **Q.** If you were selected to serve on this jury,
[10] would you give both sides, the defendant and the
[11] Commonwealth, a fair trial?
[12] **A.** Yes.
[13] **THE COURT:** All right, ma'am. If you
[14] would wait on the other side of the exit
[15] door. Be with you momentarily.
[16] **PROSPECTIVE JUROR:** All right. Thank
[17] you.
[18] (The prospective juror departed the
[19] courtroom.)
[20] **THE COURT:** Let me see the two of you
[21] for a second.
[22] (Sidebar discussion off the record.)
[23] **THE COURT:** Ms. Baraldi or Mr. Giuliani,
[24] do either one of you have any follow-up
[25] questions?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes.
[3] **Q.** The question, do you have any physical or
[4] psychological disability, you checked "yes".
[5] **A.** Yes. Physically, I have back and nerve
[6] damage in my lower back and if I sit, stand or walk too
[7] long, it becomes very uncomfortable for me.
[8] **THE COURT:** Give me a moment, sir. Wait
[9] on the other side of the door. We'll be
[10] right with you.
[11] **MR. GIULIANI:** Motion for cause, Your
[12] Honor.
[13] **THE COURT:** Don't everybody speak at the
[14] same time. Defense cause granted.
[15] He had said "medication makes me drowsy,
[16] nauseous." I granted his cause.
[17] **THE COURT CRIER:** State your name for
[18] us.
[19] **PROSPECTIVE JUROR:** J. Jenkins Carter.
[20] - - -
[21] . . . J. JENKINS CARTER, having
[22] been duly sworn, was examined and testified
[23] **as follows:**
[24] - - -
[25] EXAMINATION

[1] COMMONWEALTH VS. JOHN IN
[2] **MS. BARALDI:** No, Your Honor.
[3] **MR. GIULIANI:** No, Your Honor.
[4] **THE COURT:** Her hardship is denied.
[5] **THE COURT CRIER:** State your name for
[6] us.
[7] **PROSPECTIVE JUROR:** Anthony Toliver.
[8] - - -
[9] . . . ANTHONY TOLIVER, having
[10] been duly sworn, was examined and testified
[11] **as follows:**
[12] - - -
[13] EXAMINATION
[14] - - -
[15] **BY THE COURT:**
[16] **Q.** Mr. Toliver, are you presently taking any
[17] medication that might interfere with or prevent you
[18] from serving as a juror?
[19] **A.** I am.
[20] **Q.** Sorry.
[21] **A.** I am.
[22] **Q.** What effect does the medication have on you?
[23] **A.** Makes me drowsy, sometimes nauseous.
[24] **Q.** You checked off that you are disabled,
[25] correct?

[1] COMMONWEALTH VS. JOHN IN
[2] - - -
[3] **BY THE COURT:**
[4] **Q.** Good afternoon.
[5] **A.** Hello.
[6] **Q.** Tell us what you do for a living.
[7] **A.** I stay at home, keep my grandkids when
[8] they're there. I live by myself.
[9] **Q.** Did you ever work outside of the home?
[10] **A.** Yes.
[11] **Q.** What kind of work did you last do?
[12] **A.** I worked at hotel housekeeping, worked at a
[13] health facility keeping the elderly. I worked at
[14] several restaurants as a cook.
[15] **Q.** How long ago was it that you last worked
[16] outside the home?
[17] **A.** Last time, twenty-five years ago.
[18] **Q.** Have you ever served on a jury?
[19] **A.** Yes.
[20] **Q.** How long ago was it that you last served?
[21] **A.** I guess about four or five years ago.
[22] **Q.** Civil or criminal case?
[23] **A.** Criminal.
[24] **Q.** Have you or anyone close to you ever been
[25] the victim of a crime, ma'am?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes, ma'am.
[3] **Q.** What relationship is that person to you?
[4] **A.** My nephew.
[5] **Q.** What happened to your nephew?
[6] **A.** Well, he was jumped and beat up and robbed.
[7] **Q.** How long ago was that?
[8] **A.** About, I guess about five years ago.
[9] **Q.** Did he report it?
[10] **A.** Yeah, he reported it.
[11] **Q.** Was anyone arrested?
[12] **A.** No.
[13] **Q.** Was there anything about that case which
[14] would affect your ability to be a fair juror in this
[15] case?
[16] **A.** No.
[17] **Q.** You checked off that you or someone close to
[18] you was arrested and charged with a crime?
[19] **A.** Yes.
[20] **Q.** What relationship is that person to you?
[21] **A.** A nephew.
[22] **Q.** Same or different nephew?
[23] **A.** Different.
[24] **Q.** What was this nephew charged with?
[25] **A.** I'm not sure.

[1] COMMONWEALTH VS. JOHN IN
[2] twenty years ago. That was the last job I had.
[3] **Q.** The fact you worked in law enforcement
[4] twenty years ago, would that affect your ability to be
[5] a fair juror in this case?
[6] **A.** No.
[7] **Q.** If you were selected to serve on this jury,
[8] would you give both sides, the defendant and the
[9] Commonwealth, a fair trial?
[10] **A.** Yes.
[11] **THE COURT:** Thank you, ma'am. Wait on
[12] the other side of the exit door. Be right
[13] with you.
[14] (The prospective juror departed the
[15] courtroom.)
[16] **THE COURT CRIER:** State your name for
[17] us.
[18] **PROSPECTIVE JUROR:** Rochelle Workman.
[19] ---
[20] . . . ROCHELLE WORKMAN, having
[21] been duly sworn, was examined and testified
[22] as follows:
[23] ---
[24] EXAMINATION
[25] ---

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** What he was charged with?
[3] **A.** He's grown. I think he's in a halfway house
[4] now. I'm not sure.
[5] **Q.** Do you recall how long ago he was arrested?
[6] **A.** In and out of jail so much, I guess about
[7] two years, year and a half.
[8] **Q.** Do you know if his case went to trial?
[9] **A.** No, we don't keep that much in touch. I
[10] don't know.
[11] **Q.** Is there anything about that case which
[12] would affect your ability to be a fair juror in this
[13] case?
[14] **A.** No.
[15] **Q.** You know people in law enforcement?
[16] **A.** No.
[17] **Q.** Have you or anyone close to you ever worked
[18] as a police officer or any other law enforcement job
[19] such as a prosecutor, public defender, defense lawyer,
[20] detective, prison guard, security guard or corrections
[21] officer?
[22] **A.** That one job, I forgot I worked as a
[23] security guard.
[24] **Q.** About how many years is that?
[25] **A.** I worked outside the home. That was about

[1] COMMONWEALTH VS. JOHN IN
[2] **BY THE COURT:**
[3] **Q.** Ms. Workman, tell us what you do for a
[4] living.
[5] **A.** I'm a classroom assistant for special
[6] education.
[7] **Q.** Is this a public school?
[8] **A.** Yes.
[9] **Q.** What ages are the children that you take
[10] care of?
[11] **A.** The ages are from thirteen to fifteen.
[12] **Q.** How long have you been in that job?
[13] **A.** Twenty-one years.
[14] **Q.** Have you ever served on a jury before?
[15] **A.** No.
[16] **Q.** How long ago?
[17] **A.** No.
[18] **Q.** No, okay. You checked "yes" on the form.
[19] Is that a mistake?
[20] **A.** Yes.
[21] **Q.** Have you or anyone close to you ever been a
[22] victim of a crime?
[23] **A.** No.
[24] **Q.** You checked "yes" to that. Was this a
[25] mistake?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Ever been a victim?
[3] **Q.** Yes.
[4] **A.** No, that's not a mistake. Yes, that's a
[5] mistake.
[6] **Q.** The next question is have you or anyone
[7] close to you ever been arrested or charged with a
[8] crime?
[9] **A.** Yes.
[10] **Q.** What relationships are the people to you?
[11] **A.** My son.
[12] **Q.** What was your son charged with?
[13] **A.** Stealing a car.
[14] **Q.** How long ago was that?
[15] **A.** He was seventeen.
[16] **Q.** How long ago was that?
[17] **A.** When he was 17 -- he's 29 now.
[18] **Q.** Did you attend the proceedings?
[19] **A.** Yes.
[20] **Q.** Do you have an opinion to whether he was
[21] treated fair or unfair?
[22] **A.** He was treated fair.
[23] **Q.** Anything about that case which would affect
[24] your ability to be a fair juror in this case?
[25] **A.** No.

[1] COMMONWEALTH VS. JOHN IN
[2] you.
[3] (The prospective juror departed the
[4] courtroom.)
[5] **THE COURT:** Counsel, follow-up
[6] questions?
[7] **MR. GIULIANI:** No, Your Honor.
[8] **MS. BARALDI:** No, Your Honor.
[9] **THE COURT:** Let the record reflect we
[10] already addressed number 30. Mr. Dafino
[11] pointed out she was removed for cause.
[12] **THE COURT CRIER:** Sir, state your name
[13] for us.
[14] **PROSPECTIVE JUROR:** Eugene Williams.
[15] ---
[16] ... EUGENE WILLIAMS, having
[17] been duly sworn, was examined and testified
[18] as follows:
[19] ---
[20] EXAMINATION
[21] ---
[22] **BY THE COURT:**
[23] **Q.** Mr. Williams, tell us what you do for a
[24] living, sir.
[25] **A.** I'm a line chef.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** You know people in law enforcement?
[3] **A.** Yes.
[4] **Q.** What relationship are they to you?
[5] **A.** My fiance is a detective.
[6] **Q.** And what division or unit does he work out
[7] of?
[8] **A.** He's one of the commissioner drivers.
[9] **Q.** Would the fact that you know people in law
[10] enforcement, would that affect your ability to be a
[11] fair juror in this case?
[12] **A.** No.
[13] **Q.** You know any of the police officers named on
[14] this list?
[15] **A.** No.
[16] **Q.** What is your fiance's name?
[17] **A.** Raymond Felder.
[18] **Q.** Felder?
[19] **A.** Felder.
[20] **Q.** If you were selected to serve on this jury,
[21] would you give both sides, the defendant and the
[22] Commonwealth, a fair trial?
[23] **A.** Yes.
[24] **THE COURT:** Wait for us on the other
[25] side of the exit door. We'll be right with

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Do you work in a restaurant or some other
[3] facility?
[4] **A.** I work in a restaurant.
[5] **Q.** How long have you been a line chef?
[6] **A.** About twenty-six years.
[7] **Q.** Have you or anyone close to you ever been
[8] the victim of a crime?
[9] **A.** Yes. I believe so, yes.
[10] **Q.** What relationship is that person or those
[11] persons to you?
[12] **A.** My brother.
[13] **Q.** What happened to your brother?
[14] **A.** He was murdered.
[15] **Q.** Sorry to hear that. How long ago was that?
[16] **A.** Roughly, I don't know. About 20 years.
[17] **Q.** Was anyone arrested for it to the best of
[18] your knowledge?
[19] **A.** I don't know if they were ever caught and
[20] captured.
[21] **Q.** Did it happen here in Philadelphia?
[22] **A.** Yes, sir.
[23] **Q.** Is there anything about that case which
[24] would affect your ability to be a fair juror in this
[25] case?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** I don't think so.
[3] **Q.** You or anyone close to you ever been
[4] arrested or charged with a crime?
[5] **A.** Yes, my brother has been arrested before.
[6] **Q.** Is this a different brother?
[7] **A.** Yes.
[8] **Q.** That was arrested?
[9] **A.** Yes.
[10] **Q.** What was he arrested for?
[11] **A.** Assault.
[12] **Q.** Did you attend his trial?
[13] **A.** Yes.
[14] **Q.** Do you have an opinion to whether he was
[15] treated fair or unfair?
[16] **A.** I believe it was fair.
[17] **Q.** Is there anything about that case which
[18] would affect your ability to be a fair juror in this
[19] case?
[20] **A.** No, Your Honor.
[21] **Q.** Would you be less likely to believe the
[22] testimony of a police officer or other law enforcement
[23] agent just because of his or her job?
[24] **A.** Repeat that, please.
[25] **Q.** Would you be less likely to believe the

[1] COMMONWEALTH VS. JOHN IN
[2] because of his or her job. Would you accept and follow
[3] that instruction?
[4] **A.** I don't think I understood the question.
[5] **THE COURT:** Can you give us one moment,
[6] sir. Can you wait on the other side of the
[7] door. We'll be right with you.
[8] (The prospective juror departed the
[9] courtroom.)
[10] **THE COURT:** May I see the attorneys for
[11] a second.
[12] (Sidebar discussion off the record.)
[13] **THE COURT:** Counsel.
[14] **MS. BARALDI:** Your Honor, Commonwealth
[15] has a motion for cause.
[16] **MR. GIULIANI:** No objection, Your Honor.
[17] **THE COURT:** Motion granted.
[18] **THE COURT CRIER:** Please state your name
[19] for us.
[20] **PROSPECTIVE JUROR:** Jennifer Larmour.
[21] ---
[22] ... JENNIFER LARMOUR, having
[23] been duly sworn, was examined and testified
[24] as follows:
[25] ---

[1] COMMONWEALTH VS. JOHN IN
[2] testimony of a police officer or other law enforcement
[3] agent just because of his or her job?
[4] **A.** Not really.
[5] **Q.** You checked "yes" on the form. Why did you
[6] check yes?
[7] **A.** I don't know. The question seemed a bit
[8] confusing to me. I believe just because he's a police
[9] officer, would I be more inclined to believe they're
[10] telling the truth?
[11] **Q.** Just the opposite. The question -- listen.
[12] Would you be less likely to believe the testimony of a
[13] police officer or other law enforcement officer just
[14] because of his or her job?
[15] **A.** No.
[16] **Q.** Would you be more likely to believe the
[17] testimony of a police officer or other law enforcement
[18] officer just because of his or her job?
[19] **A.** Yes.
[20] **Q.** You would?
[21] **A.** I think so because of their position.
[22] **Q.** Earlier this morning I gave you and your
[23] fellow jurors the following instruction. You may give
[24] no greater or lesser weight to the testimony of a
[25] police officer or other law enforcement agent simply

[1] COMMONWEALTH VS. JOHN IN
[2] EXAMINATION
[3] ---
[4] **BY THE COURT:**
[5] **Q.** Ms. Larmour, what do you do for a living?
[6] **A.** General manager of a WaWa.
[7] **Q.** How long have you been in that job?
[8] **A.** Eleven years.
[9] **Q.** Would you be less likely to believe the
[10] testimony of a police officer or other law enforcement
[11] officer just because of his or her job?
[12] **A.** Yes.
[13] **Q.** Why is that?
[14] **A.** Watch a lot of them.
[15] **Q.** Sorry.
[16] **A.** I -- I watch a lot of Law and Order. I
[17] think police lie sometimes.
[18] **Q.** The question isn't whether police officers
[19] lie sometimes. The question is whether you have
[20] preconceived notions that a police officer, by virtue
[21] of his position, is inclined to lie. So why didn't you
[22] check -- let me ask this question. Would you be more
[23] likely to believe the testimony of a law enforcement
[24] police officer or other law enforcement agent just
[25] because of his or her job?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** No.
[3] **Q.** You would be less likely to believe the
[4] testimony of -- you watch a lot of Law and Order?
[5] **A.** I guess.
[6] **Q.** You feel that way as you sit here now?
[7] **A.** Yes.
[8] **Q.** Did you have a hardship?
[9] **A.** Yes.
[10] **Q.** What was your hardship?
[11] **A.** I'm a single mother, full-time student, and
[12] I run a business. So if I had to be here, when I leave
[13] here I have to go to work, take my two-year-old with me
[14] or don't see her for three days because I have to find
[15] someone to watch her.
[16] **THE COURT CRIER:** Give us a moment,
[17] ma'am. Wait for us on the other side of the
[18] door. We'll be right with you.
[19] (Prospective juror departed the
[20] courtroom.)
[21] (Sidebar discussion off the record.)
[22] (The prospective juror was brought into
[23] the courtroom.)
[24] **BY THE COURT:**
[25] **Q.** Can you hear me from where you are?

[1] COMMONWEALTH VS. JOHN IN
[2] - - -
[3] **BY THE COURT:**
[4] **Q.** Mr. Palmer, good afternoon, sir.
[5] **A.** Good afternoon.
[6] **Q.** Tell us what you do for a living,
[7] Mr. Palmer.
[8] **A.** Custodial assistant at a school.
[9] **Q.** How long have you been a custodial
[10] assistant?
[11] **A.** Since seventeen months.
[12] **Q.** How long, what kind of work did you do
[13] before that?
[14] **A.** I worked at Saladworks in Wynnewood.
[15] **Q.** Say that again.
[16] **A.** I worked at Saladworks in Wynnewood.
[17] **Q.** How long were you there?
[18] **A.** Five years.
[19] **Q.** Have you or anyone close to you, Mr. Palmer,
[20] ever been arrested or charged with a crime?
[21] **A.** Yes, I have.
[22] **Q.** What were you charged with, sir?
[23] **A.** Possession.
[24] **Q.** Possession of a controlled substance?
[25] **A.** Yes, sir.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes.
[3] **Q.** You're a student?
[4] **A.** Yes.
[5] **Q.** What are you studying?
[6] **A.** Human resources and business at Englata.
[7] **Q.** Full-time?
[8] **A.** I'm full-time.
[9] **THE COURT:** Thank you.
[10] (The prospective juror departed the
[11] courtroom.)
[12] **MR. GIULIANI:** I have a motion.
[13] **THE COURT:** Any objection to her
[14] hardship?
[15] **MS. BARALDI:** No objection.
[16] **THE COURT:** Motion is granted.
[17] **THE COURT CRIER:** State your name for
[18] us.
[19] **PROSPECTIVE JUROR:** Floyd Palmer.
[20] - - -
[21] . . . FLOYD PALMER, having
[22] been duly sworn, was examined and testified
[23] **as follows:**
[24] - - -
[25] EXAMINATION

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** And what happened to that case?
[3] **A.** I did probation, paid court costs and fines,
[4] and consequently I'm no longer on probation.
[5] **Q.** How long were you on probation for?
[6] **A.** Three years.
[7] **THE COURT:** Mr. Palmer, can you give us
[8] one moment? Wait for us on the other side of
[9] the exit door. We'll be right with you.
[10] (The prospective juror departed the
[11] courtroom.)
[12] **MS. BARALDI:** Motion for cause.
[13] **MR. GIULIANI:** He's ineligible.
[14] **THE COURT:** The Court finds that the
[15] prospective juror is ineligible to serve by
[16] virtue of his conviction.
[17] **THE COURT CRIER:** State your name for
[18] us.
[19] **PROSPECTIVE JUROR:** Anthony Thomas.
[20] - - -
[21] . . . ANTHONY THOMAS, having
[22] been duly sworn, was examined and testified
[23] **as follows:**
[24] - - -
[25] EXAMINATION

[1] COMMONWEALTH VS. JOHN IN
[2] ---
[3] **BY THE COURT:**
[4] **Q.** Good afternoon, sir.
[5] **A.** How you doing?
[6] **Q.** Mr. Thomas. Is that right?
[7] **A.** Yes.
[8] **Q.** Tell us what you do for a living.
[9] **A.** Stylist.
[10] **Q.** What kind of facility do you work with?
[11] **A.** Hair salon.
[12] **Q.** You've been a stylist now for how long?
[13] **A.** Eleven years.
[14] **Q.** You or someone close to you, sir, was the
[15] victim of a crime?
[16] **A.** Me and a couple people close to me.
[17] **Q.** Did you say you were the victim of a crime?
[18] **A.** Yes.
[19] **Q.** What happened to you?
[20] **A.** I got stabbed.
[21] **Q.** Say it again.
[22] **A.** I got stabbed.
[23] **Q.** How long ago?
[24] **A.** Three years ago.
[25] **Q.** Did you know your assailant?

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** How long ago was that?
[3] **A.** Like four, five years ago.
[4] **Q.** Was anyone arrested?
[5] **A.** Not sure.
[6] **Q.** Is there anything about that incident which
[7] would affect your ability to be a fair juror in this
[8] case?
[9] **A.** No.
[10] **Q.** You also checked off that you or someone
[11] close to you was arrested or charged with a crime,
[12] correct?
[13] **A.** Yes.
[14] **Q.** What relationship was that person or those
[15] persons to you?
[16] **A.** My brother.
[17] **Q.** What was your brother charged with?
[18] **A.** Possession of a gun and drugs.
[19] **Q.** Did his case go to trial?
[20] **A.** Yes.
[21] **Q.** How long ago?
[22] **A.** Well, he just got out. He did four years.
[23] **Q.** Did you attend his trial?
[24] **A.** No.
[25] **Q.** Do you have an opinion to whether he was

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Uh-uh.
[3] **Q.** Sorry.
[4] **A.** No.
[5] **Q.** Did you report it?
[6] **A.** Yeah.
[7] **Q.** Was anyone arrested?
[8] **A.** Yes.
[9] **Q.** Is there anything about that incident which
[10] would affect your ability to be a fair juror in this
[11] case?
[12] **A.** No.
[13] **Q.** Did you say someone else close to you was
[14] also a victim of a crime?
[15] **A.** Uh-huh.
[16] **Q.** Yes?
[17] **A.** Yes.
[18] **Q.** What is the relationship of this person or
[19] persons to you?
[20] **A.** My sister.
[21] **Q.** What happened to your sister, sir?
[22] **A.** She got shot in the crossfire.
[23] **Q.** Sorry to hear that. She survived the
[24] shooting?
[25] **A.** She survived.

[1] COMMONWEALTH VS. JOHN IN
[2] treated fair or unfair?
[3] **A.** I mean, I guess unfair.
[4] **Q.** Sorry?
[5] **A.** Unfair.
[6] **Q.** Would that affect your ability to be a fair
[7] juror in this case?
[8] **A.** No.
[9] **Q.** Why do you say unfair?
[10] **A.** Because everything they find, didn't found
[11] it on him, but they still charged him with it.
[12] **Q.** You understand that -- well, let me ask you
[13] directly, sir. Was that here in Philadelphia or
[14] someplace else?
[15] **A.** Philadelphia.
[16] **Q.** You understand that if this case was tried
[17] in Philadelphia, the prosecuting authority on behalf of
[18] the Commonwealth would be the same authority that's
[19] prosecuting this case, which is the District Attorney?
[20] Is that clear to you?
[21] **A.** Okay.
[22] **Q.** Understanding that, would that affect your
[23] ability to give the Commonwealth a fair trial in this
[24] case?
[25] **A.** Probably so.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** You think so?
[3] **A.** Yeah.
[4] **THE COURT:** Give me a moment, sir. If
[5] you wait on the other side of the door, we'll
[6] be right with you.
[7] (The prospective juror departed the
[8] courtroom.)
[9] **THE COURT:** All right.
[10] **MS. BARALDI:** I have a motion for cause.
[11] **THE COURT:** Motion granted.
[12] **THE COURT CRIER:** State your name for
[13] us.
[14] **PROSPECTIVE JUROR:** Melody Johnson.
[15] ---
[16] . . . MELODY JOHNSON, having
[17] been duly sworn, was examined and testified
[18] **as follows:**
[19] ---
[20] EXAMINATION
[21] ---
[22] **BY THE COURT:**
[23] **Q.** Say that one more time, please.
[24] **A.** Melody Johnson.
[25] **Q.** Ms. Johnson.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** It started in October 8th.
[3] **Q.** You start next month?
[4] **A.** I started last year. It's still an
[5] hourly-based school.
[6] **Q.** Okay. Let me set that aside just for a
[7] second and ask a couple different questions. Do you
[8] have any religious, moral or ethical beliefs that would
[9] prevent you from sitting in judgment in a criminal case
[10] and rendering a fair verdict?
[11] **A.** My family is Jehovah's Witness. I don't
[12] believe another man can judge another man.
[13] **Q.** That's because you are?
[14] **A.** Jehovah's Witness.
[15] **Q.** This would be a religious belief?
[16] **A.** Yes.
[17] **THE COURT:** Give us a moment, ma'am.
[18] Wait on the other side of the exit door.
[19] We'll be right with you.
[20] (The prospective juror departed the
[21] courtroom.)
[22] **THE COURT:** Do either of you wish to
[23] follow up?
[24] **MS. BARALDI:** No, Your Honor.
[25] **MR. GIULIANI:** No, Your Honor.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes.
[3] **THE COURT:** Ms. Johnson, would you
[4] indulge me for one moment. Step inside the
[5] room for a second, we'll be right with you.
[6] (Prospective juror departed the
[7] courtroom and returned after a short break.)
[8] **BY THE COURT:**
[9] **Q.** Thank you for your patience. Ms. Johnson,
[10] it says here that you're a student?
[11] **A.** Yes.
[12] **Q.** Full-time or part-time?
[13] **A.** Full-time.
[14] **Q.** When do you start classes?
[15] **A.** What time?
[16] **Q.** When.
[17] **A.** When?
[18] **Q.** When does the semester start for you?
[19] **A.** I'm at Empire. I'm in trade school, beauty
[20] school.
[21] **Q.** Say it again.
[22] **A.** A trade school, Empire Beauty School.
[23] **Q.** Are you in class now?
[24] **A.** Uh-huh.
[25] **Q.** When did your semester start?

[1] COMMONWEALTH VS. JOHN IN
[2] ____: Motion for cause, please.
[3] **THE COURT:** Granted.
[4] **THE COURT CRIER:** State your name for
[5] us.
[6] **PROSPECTIVE JUROR:** Jane Koons.
[7] ---
[8] . . . JANE KOONS, having
[9] been duly sworn, was examined and testified
[10] **as follows:**
[11] ---
[12] EXAMINATION
[13] ---
[14] **BY THE COURT:**
[15] **Q.** Ma'am, do not tell us your home address. I
[16] do not even want to know the street that you live on,
[17] but in what section of our city do you live?
[18] **A.** South Philly.
[19] **Q.** You lived in that section of the city for
[20] more than ten years?
[21] **A.** Yes.
[22] **Q.** Have you ever served on a jury before?
[23] **A.** No.
[24] **Q.** If you were selected to serve on this jury,
[25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN
[2] Commonwealth, a fair trial?
[3] **A.** Yes.
[4] **Q.** What kind of work do you do for a living?
[5] **A.** I work for the federal government, clerical
[6] work.
[7] **Q.** How long have you been a clerk?
[8] **A.** Twenty-one years.
[9] **THE COURT:** If you'd wait on the other
[10] side of that door to your right, we'll be
[11] right with you.
[12] **THE COURT:** Juror No. 10.
[13] **THE COURT CRIER:** State your name for
[14] us.
[15] **PROSPECTIVE JUROR:** Steve Latney.
[16] - - -
[17] . . . STEVE LATNEY, having
[18] been duly sworn, was examined and testified
[19] as follows:
[20] - - -
[21] EXAMINATION
[22] - - -
[23] **BY THE COURT:**
[24] **Q.** Mr. Latney, good afternoon, sir.
[25] **A.** How you doing, Your Honor?

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** You've been in this line of work for how
[3] long?
[4] **A.** This one, just about a year and a few
[5] months.
[6] **Q.** What kind of work did you do before that?
[7] **A.** I was in child welfare for about fifteen
[8] years, social work, child welfare.
[9] **Q.** What agency did you work for?
[10] **A.** Children's Choice, and also Juvenile Justice
[11] Center.
[12] **Q.** You are a social worker by training,
[13] correct?
[14] **A.** Yes.
[15] **Q.** Have you ever served on a jury before?
[16] **A.** Three times.
[17] **Q.** How long ago was it that you last served?
[18] **A.** Excuse me.
[19] **Q.** How long ago was it that you last served?
[20] **A.** I think it was maybe 2004.
[21] **Q.** Was that a civil or criminal case?
[22] **A.** It was a criminal case.
[23] **Q.** Have you or anyone close to you ever been
[24] the victim of a crime?
[25] **A.** Not recently, no.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Tell us what you do for a living.
[3] **A.** Right now I'm a case manager for a
[4] Philadelphia health maintenance corporation. I deal
[5] with individuals who are incarcerated on State Road, in
[6] order to get them early sentence, help them get into
[7] rehabilitation programs, help them complete it.
[8] **Q.** In your capacity, do you work inside the
[9] prison?
[10] **A.** No.
[11] **Q.** When do you see the people that you service?
[12] **A.** The Defender Association will make referrals
[13] to our company. We see them after they're already
[14] released. Either on their way to a drug treatment the
[15] program sheriff brings them directly from prison or
[16] already been released home. The client, that's when I
[17] call them at their house. But they're already released
[18] from incarceration.
[19] **Q.** Now you identified the population you work
[20] with. What kind of service do you provide them again?
[21] **A.** I help them to get them into drug treatment
[22] programs, whether it be inpatient -- what happens they
[23] get evaluated. It will be determined whether they need
[24] inpatient treatment or handled with an outpatient
[25] setting.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** How long ago was the person victimized that
[3] you checked "yes" on the form?
[4] **A.** I was a child. We had a home break-in. I
[5] was like nine, ten years old.
[6] **Q.** It was a burglary?
[7] **A.** Yes.
[8] **Q.** Was anyone in your house harmed physically?
[9] **A.** No. We were at all at a Cub Scout meeting,
[10] came home and saw the home had been broken into, just a
[11] few things taken.
[12] **Q.** Is there anything about that incident which
[13] would affect your ability to be a fair juror in this
[14] case?
[15] **A.** No.
[16] **Q.** I'm going to ask that, sir, whether or not
[17] your present job as you've described it to us, would
[18] affect your ability to be a fair juror in this case?
[19] **A.** I don't think so, no.
[20] **Q.** When you say you don't think so, is that a
[21] figure of speech? Do you have some doubt about your
[22] ability to be fair?
[23] **A.** Sorry, I mean no. Definitely not have any.
[24] **Q.** If you were selected to serve on this jury,
[25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN
[2] Commonwealth, a fair trial?
[3] **A.** Absolutely, yes.
[4] **THE COURT:** If you'd be so kind,
[5] Mr. Latney, to wait on the other side of the
[6] exit door to your right. We'll be right
[7] with you.
[8] (The prospective juror departed the
[9] courtroom.)
[10] **THE COURT CRIER:** State your name for
[11] us.
[12] **PROSPECTIVE JUROR:** Vanessa V. Herrera.
[13] ---
[14] . . . VANESSA V. HERRERA, having
[15] been duly sworn, was examined and testified
[16] as follows:
[17] ---
[18] EXAMINATION
[19] ---
[20] **BY THE COURT:**
[21] **Q.** Tell us what you do for a living.
[22] **A.** Client services associate at an IT company.
[23] **Q.** You've been in that role now for how long?
[24] **A.** Little over a year.
[25] **Q.** What did you do before then?

[1] COMMONWEALTH VS. JOHN IN
[2] case?
[3] **A.** No.
[4] **Q.** You or someone close to you were arrested
[5] and charged with a crime?
[6] **A.** I have cousins that have been arrested and
[7] my husband was arrested.
[8] **Q.** What was your husband charged with?
[9] **A.** Honestly I don't know. Long time ago before
[10] I met him. He was a teen.
[11] **Q.** Charged with what?
[12] **A.** Honestly I don't know.
[13] **Q.** You don't know? Before you met him?
[14] **A.** Uh-huh.
[15] **Q.** But you know he was arrested?
[16] **A.** Yes.
[17] **Q.** Do you know what area it was in?
[18] **A.** I think it was Montgomery County.
[19] **Q.** Is there anything about that which would
[20] affect your ability to be a fair juror in this case?
[21] **A.** No.
[22] **Q.** How many cousins were arrested?
[23] **A.** Two.
[24] **Q.** What were they charged with?
[25] **A.** I believe it was drug-selling I believe.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** I was a mutual funds specialist at Vanguard.
[3] **Q.** How long had you been with Vanguard?
[4] **A.** Two years.
[5] **Q.** Have you ever served on a jury before?
[6] **A.** Yes.
[7] **Q.** How long ago?
[8] **A.** I believe it was two or three years ago.
[9] **Q.** Civil or criminal case?
[10] **A.** Civil.
[11] **Q.** You or someone close to you was a victim of
[12] a crime?
[13] **A.** Yes.
[14] **Q.** What relationship is this person to you?
[15] **A.** My father.
[16] **Q.** What happened to your father?
[17] **A.** He was stabbed randomly.
[18] **Q.** Sorry.
[19] **A.** He was stabbed.
[20] **Q.** Did he recover?
[21] **A.** Yes, he did.
[22] **Q.** Was anyone arrested?
[23] **A.** I don't believe so.
[24] **Q.** Is there anything about that case which
[25] would affect your ability to be a fair juror in this

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** In both cases?
[3] **A.** Yes, they're brothers.
[4] **Q.** Do you know if those drug cases were in
[5] Philadelphia or someplace else?
[6] **A.** Philadelphia.
[7] **Q.** You say there were others or other arrests?
[8] **A.** No, they were brothers.
[9] **Q.** Brothers, okay. Is there anything about
[10] your cousins' cases that would affect your ability to
[11] be a fair juror in this case?
[12] **A.** No.
[13] **Q.** If you were selected to serve on this jury,
[14] would you give both sides, the defendant and the
[15] Commonwealth, a fair trial?
[16] **A.** Yes.
[17] **THE COURT:** Thank you, ma'am. Wait on
[18] other side of the exit door to your right.
[19] Be with you shortly.
[20] (The prospective juror departed the
[21] courtroom.)
[22] **THE COURT CRIER:** State your name for
[23] us.
[24] **PROSPECTIVE JUROR:** Sherri Horsey.
[25] ---

[1] COMMONWEALTH VS. JOHN IN
[2] . . . SHERRI HORSEY, having
[3] been duly sworn, was examined and testified
[4] **as follows:**
[5] ---
[6] EXAMINATION
[7] ---
[8] **BY THE COURT:**
[9] **Q.** Ms. Horsey, what do you do for a living,
[10] please?
[11] **A.** HR assistant at the Public Defender's
[12] Office.
[13] **Q.** Where?
[14] **A.** The Defender's Association of Philadelphia.
[15] **Q.** How long have you worked for them?
[16] **A.** Twenty years.
[17] **Q.** Have you ever served on a jury before?
[18] **A.** Yes.
[19] **Q.** How long ago?
[20] **A.** Seven, eight years ago.
[21] **Q.** Civil or criminal case?
[22] **A.** Civil.
[23] **Q.** You or someone close to you was a victim of
[24] a crime?
[25] **A.** Yes.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Narcotics.
[3] **Q.** And was that here in Philadelphia?
[4] **A.** Yes.
[5] **Q.** Did you attend his trial?
[6] **A.** Yes.
[7] **Q.** Do you have an opinion to whether he was
[8] treated fair or unfair?
[9] **A.** I believe it was fair.
[10] **Q.** Is there anything about his case or any of
[11] his cases which would affect your ability to be a fair
[12] juror in this case?
[13] **A.** No.
[14] **Q.** You checked off that you know people in law
[15] enforcement.
[16] **A.** Yes.
[17] **Q.** Who were you referring to?
[18] **A.** My fiance.
[19] **Q.** What does your fiance do?
[20] **A.** He's a police officer.
[21] **Q.** The fact that you know a person in law
[22] enforcement, would that in any way affect your ability
[23] to be a fair juror?
[24] **A.** No, it does not.
[25] **Q.** You also told us earlier that you work for

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** What relationship is that person or persons
[3] to you?
[4] **A.** Daughter.
[5] **Q.** What happened to your daughter?
[6] **A.** She was raped.
[7] **Q.** Sorry to hear that. How old was she?
[8] **A.** Twelve.
[9] **Q.** Did she know her assailant?
[10] **A.** Yes.
[11] **Q.** Was anyone arrested?
[12] **A.** Yes.
[13] **Q.** Is there anything about that case which
[14] would affect your ability to be a fair juror in this
[15] case?
[16] **A.** No.
[17] **Q.** You also checked off that you or someone
[18] close to you was arrested and charged with a crime?
[19] **A.** Yes.
[20] **Q.** What relationship is that person or those
[21] persons to you?
[22] **A.** Brother.
[23] **Q.** What was your brother charged with?
[24] **A.** Several offenses.
[25] **Q.** Most recently?

[1] COMMONWEALTH VS. JOHN IN
[2] the Defender's Association, correct?
[3] **A.** Yes.
[4] **Q.** So you know attorneys and investigators
[5] associated with that agency?
[6] **A.** Yes.
[7] **Q.** Would that fact of your employment and
[8] associates, would that affect your ability to be a fair
[9] juror in this case?
[10] **A.** No.
[11] **Q.** If you were selected to serve on this jury,
[12] would you be able to give both sides, the defendant and
[13] the Commonwealth, a fair trial?
[14] **A.** Yes.
[15] **THE COURT:** If you wait for us on the
[16] other side of the exit door to your right,
[17] Ms. Horsey, be right with you.
[18] **PROSPECTIVE JUROR:** May I ask you a
[19] question?
[20] **THE COURT:** Yes.
[21] **PROSPECTIVE JUROR:** I saw a gentleman
[22] out in the hallway with the rest of the
[23] people -- I don't know if they were officers
[24] or family members. A gentleman, Carl, that I
[25] had grew up with, I don't know if he's

[1] COMMONWEALTH VS. JOHN IN
[2] involved in this particular case or if that
[3] would have an effect on my ability to serve
[4] in this case.
[5] **THE COURT:** Someone in the corridor that
[6] you know?
[7] **PROSPECTIVE JUROR:** Yes.
[8] **THE COURT:** What's his name?
[9] **PROSPECTIVE JUROR:** His name is Carl.
[10] I've known him since I was a young girl.
[11] **THE COURT:** You know the last name?
[12] **PROSPECTIVE JUROR:** No, I don't.
[13] **THE COURT:** The question is?
[14] **PROSPECTIVE JUROR:** I don't know what
[15] capacity he is but he was outside with the
[16] rest of the officers so I didn't want to ask
[17] him. They were kind of talking so I didn't
[18] interrupt.
[19] **THE COURT:** Could you give us a moment?
[20] Wait in the anteroom to your right.
[21] (The prospective juror departed the
[22] courtroom.)
[23] **THE COURT:** Either of you have a sense
[24] as to who she's referring to?
[25] **MS. BARALDI:** Your Honor, the only thing

[1] COMMONWEALTH VS. JOHN IN
[2] I can think of, there are a number of police
[3] officers on this case who are also subpoenaed
[4] for John In in other matters, who have been
[5] hanging around. I know there's no police
[6] officer by the first name of Carl on the case
[7] we're talking about right now.
[8] **MR. GIULIANI:** Did she identify the
[9] individual as the police officer she knows?
[10] **THE COURT:** She didn't know whether he
[11] was a police officer. Said she saw him
[12] speaking with police officers.
[13] **MR. GIULIANI:** I don't think that's any
[14] problem, Your Honor.
[15] **THE COURT:** Would you go outside and ask
[16] if there is anyone in the corridor whose
[17] first name is Carl?
[18] Say, please come over and speak to me,
[19] meaning you. Then just get his or her last
[20] name and description.
[21] (Pause.)
[22] **THE COURT:** Nobody's there?
[23] **THE COURT CRIER:** No.
[24] **THE COURT:** Counsel, how do you wish to
[25] handle this?

[1] COMMONWEALTH VS. JOHN IN
[2] **MR. GIULIANI:** Since no one is obviously
[3] on the witness list by that name, I don't see
[4] that there's any problem.
[5] **THE COURT:** Ms. Baraldi.
[6] **MS. BARALDI:** In an abundance of
[7] caution, I mean unless you have some
[8] strenuous objection to it, I would ask that
[9] she be removed for cause.
[10] **MR. GIULIANI:** I'll leave it to Your
[11] Honor's discretion. I don't see any cause.
[12] She talked about she saw somebody, clearly
[13] not a witness on this case. I leave it to
[14] the Court's discretion.
[15] **THE COURT:** Would you bring her back to
[16] the bar.
[17] (The prospective juror entered the
[18] courtroom.)
[19] **BY THE COURT:**
[20] **Q.** Can you hear me okay?
[21] **A.** Yes.
[22] **Q.** You say the person that you recognize is
[23] someone you grew up with?
[24] **A.** Yes.
[25] **Q.** How much contact have you recently had with

[1] COMMONWEALTH VS. JOHN IN
[2] Carl?
[3] **A.** Outside of seeing him in the hallway, little
[4] to no contact at all.
[5] **Q.** Would you estimate how long ago it was that
[6] you last saw him?
[7] **A.** Five, ten years -- well, ten years.
[8] **Q.** It's your recollection that he was speaking
[9] to the officers?
[10] **A.** Yes.
[11] **Q.** Plainclothes or uniform?
[12] **A.** There were a number of people in the
[13] corridor. Just he and another who basically were in
[14] regular clothes. I'm assuming he was talking to a
[15] whole bunch of them, laughing and joking when we came
[16] back from lunch after a lot of people had already left,
[17] so probably was other officers.
[18] **Q.** Did you say they were police officers and
[19] you know that because they were in uniform or
[20] plainclothes folk and you assumed they were police
[21] officers?
[22] **A.** Well, the majority of them were sitting out
[23] there who I saw. Some of them were in uniform. When
[24] we walked up originally, he wasn't here when we first
[25] came here this morning. But this afternoon he was

[1] COMMONWEALTH VS. JOHN IN
[2] there. He was speaking with them.
[3] **Q.** Let me ask you this, ma'am. If the person
[4] you know as Carl is in fact a witness in this case or
[5] otherwise associated with it, would that in any way
[6] affect your ability to be a fair juror?
[7] **A.** No.
[8] **Q.** No doubt in your mind?
[9] **A.** No. I just wanted to make sure it wasn't a
[10] conflict.
[11] **THE COURT:** Wait on the outside of the
[12] exit door to your right. Be right with you.
[13] (The prospective juror departed the
[14] courtroom.)
[15] **THE COURT:** All right. Counsel, under
[16] the circumstances, although I can understand
[17] the concern, unless there is an agreement, I
[18] won't strike her for cause.
[19] **MS. BARALDI:** Commonwealth Strike No. 4.
[20] **THE COURT CRIER:** State your name for
[21] us.
[22] **PROSPECTIVE JUROR:** Tyrone Finch.
[23] ---
[24] . . . TYRONE FINCH, having
[25] been duly sworn, was examined and testified

[1] COMMONWEALTH VS. JOHN IN
[2] **THE COURT:** Granted.
[3] **THE COURT CRIER:** State your name for
[4] us.
[5] **PROSPECTIVE JUROR:** Jill Seidman.
[6] ---
[7] . . . JILL SEIDMAN, having
[8] been duly sworn, was examined and testified
[9] **as follows:**
[10] ---
[11] EXAMINATION
[12] ---
[13] **BY THE COURT:**
[14] **Q.** Ms. Seidman, do you have any religious,
[15] moral or ethical beliefs that would prevent you from
[16] sitting in judgment in a criminal case rendering a fair
[17] verdict?
[18] **A.** I think I had answered yes, that only if it
[19] was like a hate crime or religious crime or something
[20] like that, then that I would have a problem with it.
[21] **Q.** Let me ask this question, ma'am. Having sat
[22] through the morning session, do you have any religious,
[23] moral or ethical beliefs that would prevent you from
[24] sitting in judgment in this case rendering a fair
[25] verdict?

[1] COMMONWEALTH VS. JOHN IN
[2] **as follows:**
[3] ---
[4] EXAMINATION
[5] ---
[6] **BY THE COURT:**
[7] **Q.** Mr. Finch, are you presently taking any
[8] medication that might interfere with or prevent you
[9] from serving as a juror?
[10] **A.** Yes, I'm taking a blood pressure medicine.
[11] Like five different types.
[12] **Q.** Tell me how, if at all, it would affect you.
[13] **A.** Sometimes it makes me drowsy and stuff.
[14] **Q.** You take it five times a day or five times?
[15] **A.** I take five different types, but I take one
[16] three times a day.
[17] **Q.** Makes you drowsy?
[18] **A.** Yes.
[19] **THE COURT:** Give us a moment. Wait on
[20] the other side of the door to your right.
[21] Right with you.
[22] (The prospective juror departed the
[23] courtroom.)
[24] **THE COURT:** Counsel, motion for cause?
[25] **MR. GIULIANI:** Motion for cause.

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** No, probably not.
[3] **Q.** Sorry.
[4] **A.** No.
[5] **Q.** You or someone close to you was the victim
[6] of a crime?
[7] **A.** Yes, when we first moved into our new home.
[8] We were broken into and vandalized.
[9] **Q.** And was that reported?
[10] **A.** Yeah.
[11] **Q.** Was anyone arrested?
[12] **A.** No.
[13] **Q.** Is there anything about that incident which
[14] would affect your ability to be a fair juror in this
[15] case?
[16] **A.** I don't know. I don't think so, no.
[17] **Q.** You checked off that you or someone close to
[18] you was an eyewitness to a crime. Is that something we
[19] already discussed or something else?
[20] **A.** I saw a hit and run awhile ago. I did
[21] report it.
[22] **Q.** Anything about what you saw which would
[23] affect your ability to be a fair juror?
[24] **A.** No.
[25] **Q.** You know people in law enforcement?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Law enforcement, no.
[3] **Q.** Have you or anyone close to you ever worked
[4] as a police officer or other law enforcement agent or
[5] worked in the capacity of a prosecutor, public
[6] defender, defense lawyer, detective, prison guard,
[7] corrections officer?
[8] **A.** Yes.
[9] **Q.** What relationship is that person or those
[10] persons to you?
[11] **A.** People in my family are lawyers, my best
[12] friend and attorney.
[13] **Q.** Do those people practice criminal law?
[14] **A.** One.
[15] **Q.** How often do you see this person?
[16] **A.** Not very.
[17] **Q.** What relationship is that person to you?
[18] **A.** A distant relative.
[19] **Q.** Does that person live in Philadelphia?
[20] **A.** No.
[21] **Q.** The person's name?
[22] **A.** Mark Bad.
[23] **Q.** Can you give us your word if you were
[24] selected you would not speak with this person about
[25] this case?

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Did you raise your hand that jury service
[3] would be a hardship?
[4] **A.** I did. I'm self-employed, straight
[5] commission every day. If I'm not working -- especially
[6] right now we do everything quarterly. The quarter
[7] starts on the 1st. Right in my quarter right now.
[8] **Q.** What kind of business?
[9] **A.** I do -- media buyer. I'm an advertiser.
[10] **Q.** You work out of your home?
[11] **A.** Yes.
[12] **Q.** So you could work before the day starts and
[13] after the day ends?
[14] **A.** I do television and cable media buying so I
[15] have to do it during those hours.
[16] **Q.** If you were selected to serve on this jury,
[17] would you be able to give this case 100 percent of your
[18] attention?
[19] **A.** I guess if I'm here all day I'd have to,
[20] yes.
[21] **Q.** If you were selected to serve on this jury,
[22] would you give both sides, the defendant and the
[23] Commonwealth, a fair trial?
[24] **A.** Yes.
[25] **THE COURT:** If you would be so kind to

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes.
[3] **Q.** Would you have any problem following the
[4] Judge's instruction that the defendant in a criminal
[5] case does not have to take the witness stand or present
[6] evidence and it cannot be held against the defendant if
[7] he elects to remain silent at trial?
[8] **A.** I mean, I would think it was odd if he
[9] didn't want to get up. I never sat on a jury before.
[10] I don't know the answer.
[11] **Q.** The instruction that you would be given is
[12] that a defendant has a constitutional right to remain
[13] silent at trial. You may not draw any adverse
[14] inference or inference of guilt from his decision not
[15] to testify.
[16] **A.** I understand.
[17] **Q.** Would you be able to accept and apply that
[18] instruction?
[19] **A.** I guess so.
[20] **Q.** When you say you guess so, is that a figure
[21] of speech or have some doubt about it?
[22] **A.** I said I thought it was odd if somebody
[23] didn't want to get up in their own defense, that's all.
[24] I guess if I was on a jury, I would have to try not to
[25] think that.

[1] COMMONWEALTH VS. JOHN IN
[2] wait on the other side of the exit door.
[3] We'll be right with you.
[4] (The prospective juror departed the
[5] courtroom.)
[6] **MR. GIULIANI:** I don't feel there is any
[7] hardship, Your Honor.
[8] **MS. BARALDI:** I don't feel hardship
[9] either.
[10] **THE COURT:** Let me see the two of you
[11] for a second.
[12] (Sidebar discussion off the record.)
[13] **THE COURT:** Well, counsel, who starts
[14] first?
[15] **THE COURT CRIER:** Commonwealth.
[16] **THE COURT:** The concern was her answer
[17] to number 11. You're satisfied with her
[18] answer?
[19] **MR. GIULIANI:** No, I'm not satisfied
[20] with her answer.
[21] **THE COURT:** Are you satisfied with her
[22] answer?
[23] **MS. BARALDI:** To be completely candid,
[24] no. Motion for cause.
[25] **THE COURT:** Motion granted.

[1] COMMONWEALTH VS. JOHN IN
[2] **THE COURT CRIER:** State your name for
[3] us.
[4] **PROSPECTIVE JUROR:** Kimberly Downing.
[5] ---
[6] ... KIMBERLY DOWNING, having
[7] been duly sworn, was examined and testified
[8] as follows:
[9] ---
[10] EXAMINATION
[11] ---
[12] **BY THE COURT:**
[13] **Q.** Ms. Downing, do you have any religious,
[14] moral or ethical beliefs that would prevent you from
[15] sitting in a criminal case in render a fair verdict?
[16] **A.** Would that involve the death penalty?
[17] **Q.** It does not in this case. There is no death
[18] penalty.
[19] **A.** No.
[20] **Q.** Would you be less likely to believe the
[21] testimony of a police officer or other law enforcement
[22] agent simply because of his or her job?
[23] **A.** Yes.
[24] **Q.** Did you raise your hand that you have a
[25] hardship?

[1] COMMONWEALTH VS. JOHN IN
[2] ---
[3] **BY THE COURT:**
[4] **Q.** Mr. Young, would you have any problem during
[5] jury deliberations in a criminal case discussing a case
[6] fully with your fellow jurors but still making up your
[7] own mind?
[8] **A.** No.
[9] **Q.** You checked "yes" on the form.
[10] **A.** Sorry.
[11] **Q.** Still, you raised your hand that jury
[12] service would be a hardship?
[13] **A.** Yes.
[14] **Q.** What's the nature of your hardship?
[15] **A.** My hardship is my brother. He's -- right
[16] now he's in the veteran's hospital. But I don't know
[17] when they're going to release him.
[18] **Q.** How is that a hardship?
[19] **A.** Because I'm the one that's taking care of
[20] him when he come home.
[21] **Q.** You work every day?
[22] **A.** I work, yes. But I'm not far from the
[23] house, so I'm -- on my lunch hour I make sure I get
[24] home.
[25] **Q.** If you would elaborate, how do you take care

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Yes.
[3] **Q.** What's the nature of your hardship?
[4] **A.** I have a two-month-old infant at home. I
[5] have a kindergartener that has to be picked up every
[6] day by 2:30.
[7] **THE COURT:** Wait on the other side of
[8] that door, ma'am. Be right with you.
[9] **PROSPECTIVE JUROR:** And I have a
[10] five-year-old at home.
[11] (The prospective juror departed the
[12] courtroom.)
[13] **MS. BARALDI:** I have a motion for cause.
[14] **THE COURT:** Have any objection?
[15] **MR. GIULIANI:** No objection, Your Honor.
[16] **THE COURT CRIER:** Sir, could you state
[17] your name for us?
[18] **PROSPECTIVE JUROR:** My name is Richard
[19] R. Young.
[20] ---
[21] ... RICHARD R. YOUNG, having
[22] been duly sworn, was examined and testified
[23] as follows:
[24] ---
[25] EXAMINATION

[1] COMMONWEALTH VS. JOHN IN
[2] of your brother?
[3] **A.** My brother has a hard time getting up. He
[4] has to go to the bathroom. I have to make sure that he
[5] don't fall. That's the hardship.
[6] **Q.** Does he live in his own home?
[7] **A.** No, we live in the same house together.
[8] **Q.** You're the only person that takes care of
[9] him?
[10] **A.** Yes.
[11] **Q.** When he got ready to come home, how would
[12] they notify you?
[13] **A.** By telephone. They call me by my telephone
[14] to let me know they're going to dismiss him.
[15] **Q.** You would have to leave to get him?
[16] **A.** Yes.
[17] **Q.** When do you expect he'll be released?
[18] **A.** I have no idea, Your Honor.
[19] **Q.** Soon this week?
[20] **A.** I don't know.
[21] **Q.** What's he being treated for?
[22] **A.** He has -- his bowels were loose when we took
[23] him there. He had trouble passing his water. He has
[24] Alzheimer's.
[25] **Q.** How old a man is he?

[1] COMMONWEALTH VS. JOHN IN
[2] **A.** Sixty-five.
[3] **THE COURT:** Wait on the other side of
[4] the door, sir. We'll be right with you.
[5] (The prospective juror departed the
[6] courtroom.)
[7] **THE COURT:** Counsel.
[8] **MR. GIULIANI:** Motion for cause, Your
[9] Honor.
[10] **THE COURT:** Any objection?
[11] **MS. BARALDI:** No, not going to object.
[12] **THE COURT:** Motion granted. Defense
[13] cause is granted.
[14] **PROSPECTIVE JUROR:** Mattie Caisson.
[15] ---
[16] . . . MATTIE CAISSON, having
[17] been duly sworn, was examined and testified
[18] **as follows:**
[19] ---
[20] EXAMINATION
[21] ---
[22] **BY THE COURT:**
[23] **Q.** Ms. Caisson, tell us what you do for a
[24] living, please.
[25] **A.** I'm a customer service representative for

[1] COMMONWEALTH VS. JOHN IN
[2] Commonwealth, a fair trial?
[3] **A.** Yes.
[4] **Q.** Did you raise your hand that jury service
[5] would be a hardship?
[6] **A.** Yes.
[7] **Q.** What's the nature of your hardship?
[8] **A.** I have medical procedures that I have to
[9] have performed on Thursday. I have to have a
[10] colonoscopy Friday. I have to have an endoscope down
[11] my throat.
[12] **Q.** This Thursday, the day after tomorrow?
[13] **A.** Yes.
[14] **THE COURT:** Would you give us a moment,
[15] ma'am. Wait on the other side of the door.
[16] Be right with you.
[17] (The prospective juror departed the
[18] courtroom.)
[19] **THE COURT:** I grant her hardship. Have
[20] one more.
[21] **THE COURT CRIER:** State your name.
[22] **PROSPECTIVE JUROR:** Nancy Armwood.
[23] ---
[24] . . . NANCY ARMWOOD, having
[25] been duly sworn, was examined and testified

[1] COMMONWEALTH VS. JOHN IN
[2] Cigna.
[3] **Q.** You've been in that job for how long?
[4] **A.** Six years.
[5] **Q.** Have you ever served on a jury before?
[6] **A.** Yes, I have.
[7] **Q.** How long ago?
[8] **A.** About three years ago.
[9] **Q.** Civil or criminal case?
[10] **A.** Criminal.
[11] **Q.** You or someone close to you, now or in the
[12] past, worked in law enforcement?
[13] **A.** Yes.
[14] **Q.** What relationship is that person or those
[15] persons to you?
[16] **A.** My husband was an examination officer.
[17] Retired from the Commonwealth of Pennsylvania. He was
[18] there for thirty-something years. My brother-in-law
[19] was a detective for the City of Philadelphia.
[20] **Q.** Would the fact that you have relatives who
[21] now or in the past worked in law enforcement, would
[22] that in any way affect your ability to be a fair juror?
[23] **A.** No.
[24] **Q.** If you were selected to serve on this jury,
[25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN
[2] **as follows:**
[3] ---
[4] EXAMINATION
[5] ---
[6] **BY THE COURT:**
[7] **Q.** Tell us what you do for a living, please.
[8] **A.** Nurse assistant.
[9] **Q.** Do you work in a hospital, nursing home?
[10] **A.** Nursing home.
[11] **Q.** How long have you been a nurse assistant?
[12] **A.** Thirteen years.
[13] **Q.** Have you ever served on a jury before?
[14] **A.** Yes.
[15] **Q.** How long ago?
[16] **A.** Must have been about three years ago.
[17] **Q.** Civil or criminal case?
[18] **A.** A criminal.
[19] **Q.** Have you or someone close to you, ma'am,
[20] been arrested or charged with a crime?
[21] **A.** Yes.
[22] **Q.** What relationship is that person to you?
[23] **A.** A nephew.
[24] **Q.** What was he charged with?
[25] **A.** Had something to do with drugs.

[1] COMMONWEALTH VS. JOHN IN
[2] **Q.** Did you attend his trial?
[3] **A.** No.
[4] **Q.** Do you have an opinion to whether he was
[5] treated fair or unfair?
[6] **A.** No.
[7] **Q.** Is there anything about his case which would
[8] affect your ability to be a fair juror in this case?
[9] **A.** No.
[10] **Q.** Do you or someone close to you work now or
[11] in the past in law enforcement?
[12] **A.** Yes.
[13] **Q.** What relationship is that person?
[14] **A.** A nephew.
[15] **Q.** Different nephew?
[16] **A.** Yeah, different.
[17] **Q.** What kind of work does that nephew do?
[18] **A.** He was a prison guard.
[19] **Q.** What does he do now?
[20] **A.** He's retired.
[21] **Q.** Would the fact that you have a nephew who
[22] worked in law enforcement, would that affect your
[23] ability to be a fair juror?
[24] **A.** No.
[25] **Q.** If you were selected to serve on this jury,

COMMONWEALTH VS. JOHN IN
MS. BARALDI: I don't have any argument.
MR. GIULIANI: Me either.
MS. BARALDI: Motion for cause.
MR. GIULIANI: No objection.
THE COURT: You agree with her?
MR. GIULIANI: I agree. I think
borderline -- the problem, I get somebody
with a borderline hardship, put them on the
jury, they resent being put on the jury.
THE COURT: What's your position?
MS. BARALDI: I agree with Mr. Giuliani.
(Proceedings adjourned.)

[1] COMMONWEALTH VS. JOHN IN
[2] would you give both sides, the defendant and the
[3] Commonwealth, a fair trial?
[4] **A.** Yes.
[5] **Q.** Did you raise your hand that jury service
[6] would be a hardship?
[7] **A.** Yes.
[8] **Q.** What's the nature of your hardship?
[9] **A.** I'm the caregiver for my mother. She's
[10] ninety-one. I'm with her most days because I work in
[11] the evenings. When I do work -- I'm semi-retired --
[12] only work two nights a week with her most days. She's
[13] ninety-one.
[14] **Q.** Is there anyone else to look after her while
[15] you serve here?
[16] **A.** No, no. My daughter is with her today, but
[17] this is her day off. So I knew that ahead of time I
[18] was able to arrange for her.
[19] **THE COURT:** Give us a moment, ma'am.
[20] Wait on the other side of the exit door to
[21] your right. Be with you in a moment.
[22] (The prospective juror departed the
[23] courtroom.)
[24] **THE COURT:** Counsel, I'll hear your
[25] observations about her hardship.

COMMONWEALTH VS. JOHN IN
CERTIFICATION
I hereby certify that the proceedings and
evidence are contained fully and accurately in the
notes taken by me on the trial of the above cause, and
this copy is a correct transcript of the case.

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